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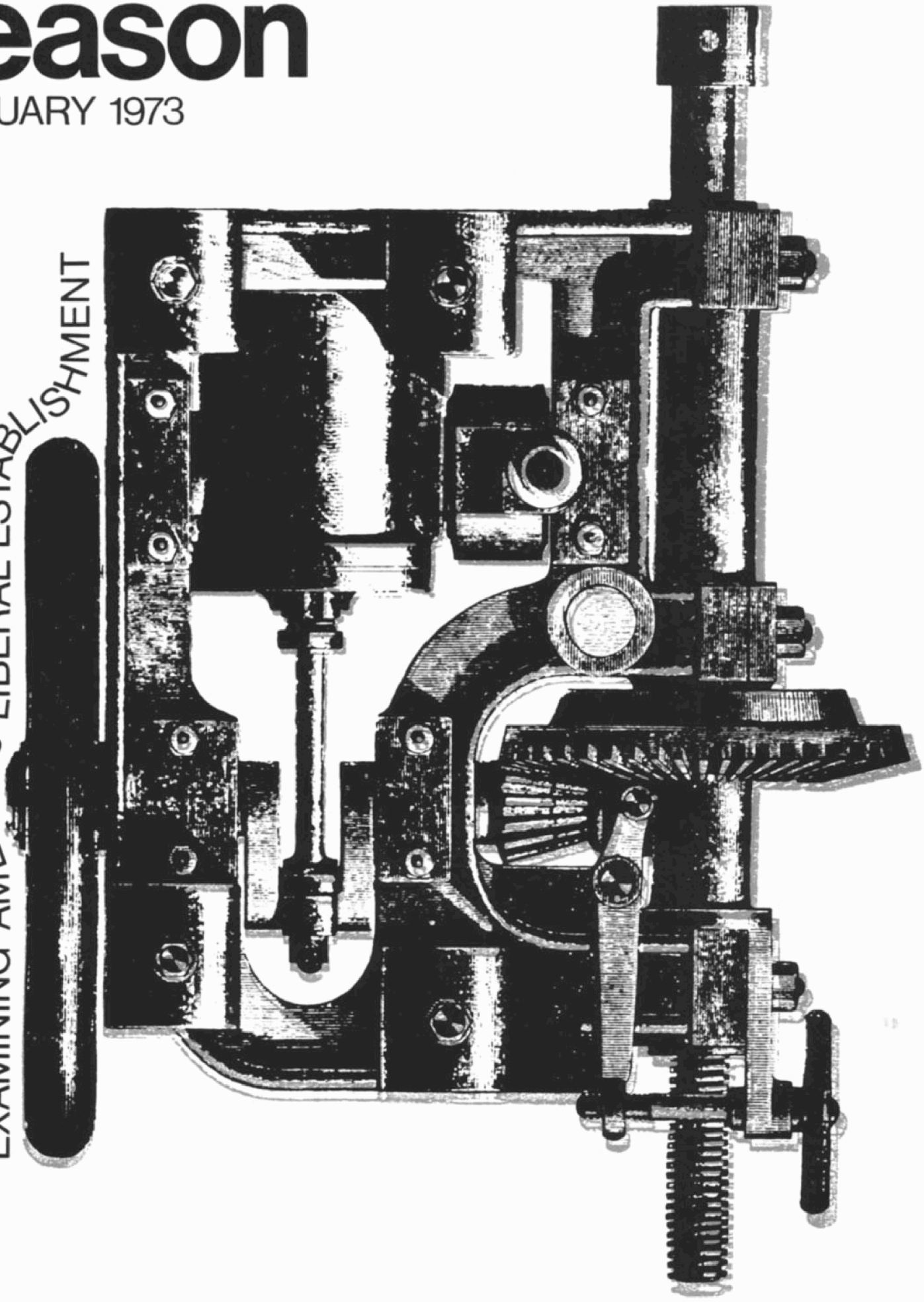
EXAMINING AMERICA'S LIBERAL ESTABLISHMENT



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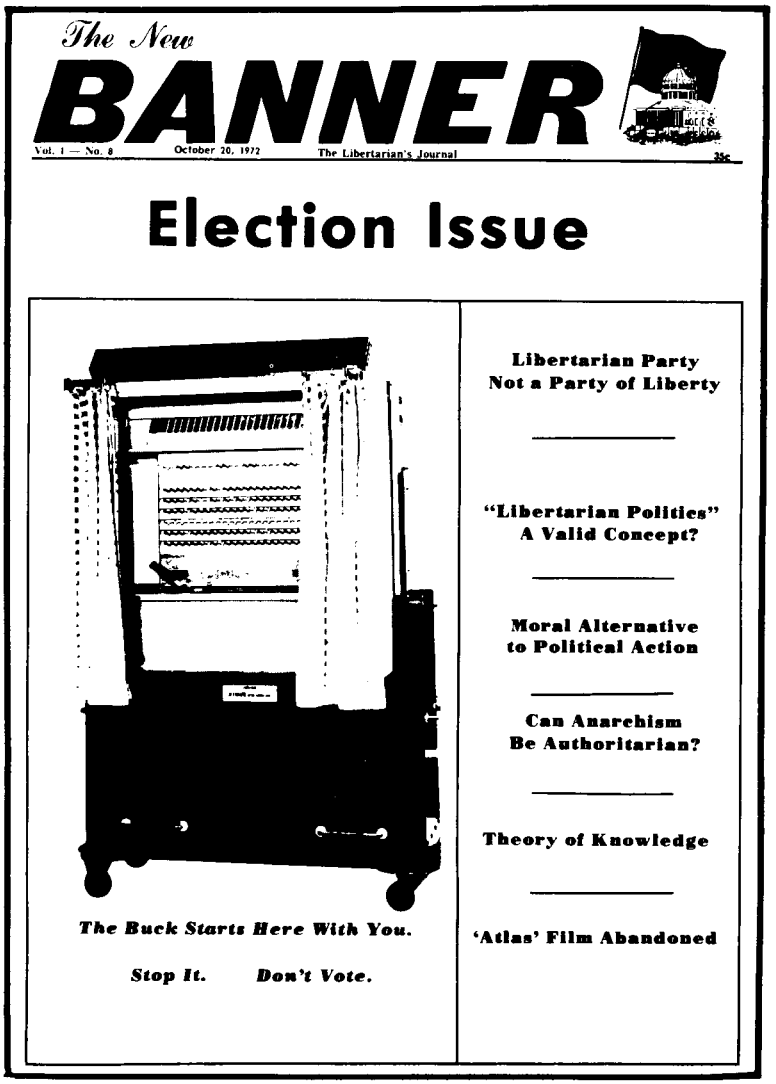

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Cover by James Garrison

THE EASTERN ESTABLISHMENT "CONSPIRACY"

Peter E McAlpine

Did Richard Nixon sell out to the liberal "Eastern Establishment" after his humiliating defeat at the hands of Pat Brown in the California gubernatorial contest of 1962, or was his career built on phony conservatism from the beginning? Was Nixon's spot on the Eisenhower ticket his reward for an appeal that confused many moderate conservatives during the crucial vote to expel the regular Texas delegation from the 1952 Republican Convention and cost Robert Taft the nomination for President?

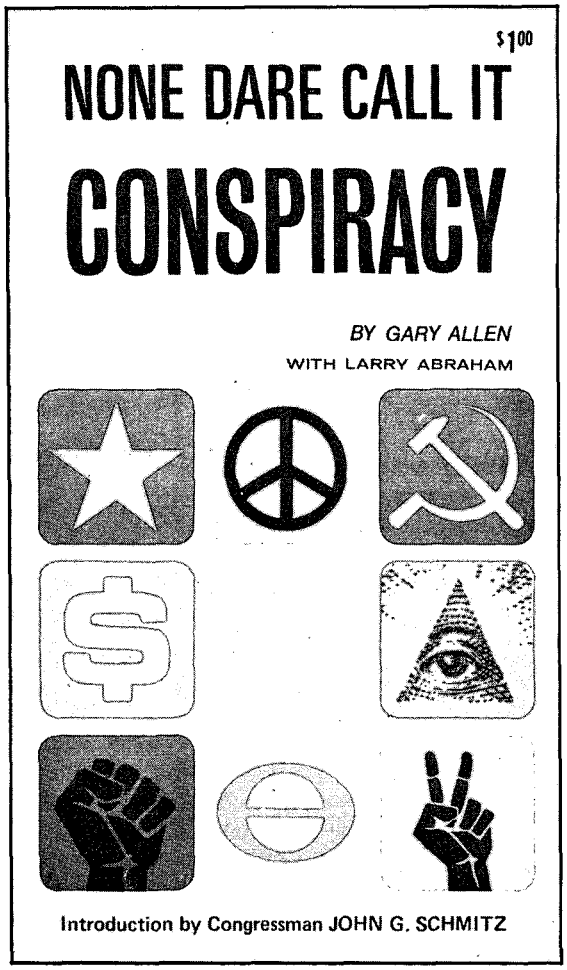
Why is the Nixon foreign and domestic program exactly what conservatives were afraid Nelson Rockefeller would have dished out had he been nominated in 1968? Could it be that Rockefeller saved Nixon from political oblivion after 1962 by arranging the $200,000 a year job with John Mitchell's law firm, royally ending Nixon's previously persistent financial insecurity? Is John Mitchell, contrary to his tough reactionary image, really the personal lawyer (dare we say agent?) of the Rockefeller clan? Were the appallingly liberal appointees of the Nixon Administration dictated by the "Rockefeller Foreign Office," the "sinister" Council on Foreign Relations? Why did Nixon choose Henry Kissinger, the darling of the Council of Foreign Relations, as his top advisor? Why did Nixon choose to live in the same apartment building as Rockefeller during the sixties?

CONSPIRATORIAL VIEW

If you circulate in conservative social circles, you have no doubt been exposed by now to these as well as considerably more extravagant speculations. Nixon's abandonment of conservative principles has given the John Birch Society and its most prolific guru, Gary Allen, the opening wedge for their growing drive to revive the conspiratorial view of history and politics within the conservative movement.

You will remember that Robert Welch's not-so-subtle hints that Eisenhower was a communist were greeted with universal derision and contempt. Why is the conspiratorial view making more headway now than it did during Eisenhower's similar betrayal of conservative principle? Part of the answer is that the John Birch Society has totally abandoned its old conspiracy theory, which held that the liberal establishment is riddled with Soviet agents who are responsible for America's disastrous course of four decades. Their "new" theory holds that international communism was created by a small clique of international and "Wall Street" financiers for the purpose of stamping out free enterprise and creating a world-wide socialist state through the United Nations. No longer are liberal intellectuals accused of being either dupes or conscious agents of communism, but are accused of being either dupes or conscious agents of the super-rich in their drive to enslave the world! Since the Society has had an excellent record of supporting laissez-faire I would not want to accuse the Birchers of consciously pandering to popular resentments concerning the unequal distribution of riches under private enterprise; but it cannot be denied that the Birch Society is harnessing the envy and hatred for the rich which abounds in the "new populism."

But the re-popularization of conspiracy has more going for it than political circumstances. The Birchers have put together a slick line of paperback propaganda for their campaign. Leading the field is Gary Allen's *NONE DARE CALL IT CONSPIRACY*. The most impressive evidence Mr. Allen has found for his incredible "capitalist conspiracy" is an obscure, 1300-page history of the modern world written by liberal Caroll Quigley, Professor of History at Georgetown University: *TRAGEDY AND HOPE.*



INTERNATIONAL ANGLOPHILE NETWORK

Referring to the "right-wing myth," that blames communists and dupes in the Institute for Pacific Relations for the fall of China to Mao, Quigley reveals the interest his work holds for men of the Right:

> This myth, like all fables, does in fact have a modicum of truth. There does exist, and has existed for a generation, an international Anglophile network which operates, to some extent, in the way the radical Right believes the Communists act. In fact, this network, which we may identify as the Round Table Groups, has no aversion to cooperating with the Communists, or any other groups, and frequently does so. I know of the operations of this network because I have studied it for twenty years and was permitted for two years, in the early 1960's, to examine its papers and secret records. I have no aversion to it or to most of its aims and have, for much of my life, been close to it and to many of its instruments. I have objected, both in the past and recently, to a few of its policies (notably to its belief that England was an Atlantic rather than a European Power and must be allied, or even federated, with the United States and must remain isolated from Europe), but in general my chief difference of opinion is that it wishes to remain unknown, and I believe its role in history is significant enough to be known.[1]

Unfortunately, too few of Mr. Allen's conspiracy enthusiasts are taking the time to read and interpret for themselves Quigley's fascinating and revealing tome. Mr. Allen, in his interpretation of Quigley has injected, I am afraid, an only slightly up-dated version of the fallacy that William Buckley identified in 1963:

> Mr. Welch's position is well known. Scrubbed down it is that one may reliably infer subjective motivation from objective result: e.g., if the West loses as much ground as demonstrably it has lost during the past fifteen years to the enemy, it can only be because those who made policy for the West were the enemy's agents.[2]

Mr. Allen has graduated from the simplistic view that Soviet agents are powerful everywhere, but has substituted a new example into the fallacious subjective motive from objective result inference. To Mr. Allen it now follows that if America's "Establishment" does not fear the communists and, in fact, promotes aid and trade with the communists, then it must mean that the communists are the agents of the "Establishment" in its power-hungry drive for world domination. To Mr. Allen it is inconceivable that America's "Establishment" has been merely misled in adopting immoral, foolish, or mistaken methods of protecting its wealth and advancing human welfare as conservatives and libertarians have long maintained. Mr. Allen dismisses the idea that the super-rich liberals feel sincerely guilty about their immense wealth or are convinced that foreign aid bribery, appeasement, and "turning the other cheek" are really the way to "moderate" communism.

PLAN OR ACCIDENT

Mr. Allen quotes Franklin Delano Roosevelt for support, "In politics, nothing happens by accident. If it happens, you can bet it was planned that way." Mr. Allen continues, "When you think about it, there are really only two theories of history. Either things happen by accident, neither planned nor caused by anybody, or they happen because they are planned and somebody causes them to happen."[3] Clearly, Mr. Allen is arguing that result proves intent by creating a false dichotomy. Surely we can agree that all events are caused by people without believing history is primarily caused by a single set of conspirators, much less the super-rich of Europe and America. The pluralistic theory does not hold that events are accidental, but that events are the vector sum of the plans of many independent groups and individuals, none of whom may be able to predict, much less determine, the final outcome.

Mr. Buckley's acute criticism of Mr. Welch applies just as well to Mr. Allen. "It is not merely common sense that rejects this assumption but a familiarity with the intricate argumentation of almost the entire intellectual class."[4] Gary Allen, motivated by his aprioristic assumption that result proves intent, passes over the intricate liberal ideology that Professor Quigley claims to be the motivation for the policies of the American "Eestablishment" and insists that only ruthless power mania can explain the growing American statism and concommitant aid and trade with communism. Quigley describes the liberal "Eastern Establishment" and its ideology as follows:

> [T]his Eastern Establishment was really above parties and was much more concerned with policies than with party victories. They had been the dominant element in both parties since 1900, and practiced the political techniques of William C. Whitney and J. P. Morgan. They were, as we have said, Anglophile, cosmopolitan, Ivy League, internationalist, astonishingly liberal, patrons of the arts, and relatively humanitarian[5]
>
> . . . .
>
> The American Establishment, which is so aristocratic and Anglophile in its foundation, came to accept the liberal ideology.[6]
>
> . . . .
>
> Because this is the tradition of the West, the West is liberal. Most historians see liberalism as a political outlook and practice found in the nineteenth century. But nineteenth-century liberalism was simply a temporary organizational manifestation of what has always been the underlying Western outlook. That organizational manifestation is now largely dead, killed as much by twentieth-century liberals as by conservatives or reactionaries. It was killed because liberals took applications of that manifestation of the Western outlook and made these applications rigid, ultimate, and inflexible goals. The liberal of 1880 was anticlerical, antimilitarist, and antistate because these were, to his immediate experience, authoritarian forces that sought to prevent the operation of the Western way. The same liberal was for freedom of assembly, of speech, and of the press because these were necessary to form the consensus that is so much a part of the Western process of operation.
>
> But by 1900 or so, these dislikes and likes became ends in themselves. The liberal was prepared to force people to associate with those they could not bear, in the name of freedom of assembly, or he was, in the name of freedom of speech, prepared to force people to listen. His anticlericalism became an effort to prevent people from getting religion, and his antimilitarism took the form of opposing funds for legitimate defense. Most amazing, his earlier opposition to the use of private economic power to restrict individual freedoms took the form of an effort to increase the authority of the state against private economic power and wealth in themselves. Thus the liberal of 1880 and the liberal of 1940 had reversed themselves on the role and power of the state, the earlier seeking to curtail it, the latter seeking to increase it. In the process, the upholder of the former liberal idea that the power of the state should be curtailed came to be called a conservative. This simply added to the intellectual confusion of the mid-twentieth century, which arose from the Irrational Activist reluctance to define any terms, a disinclination that has now penetrated deeply into all intellectual and academic life.[7]

TRADITION WORSHIP

Are these the reflections of a wayward historian for an international "network" bent upon world-wide, socialist totalitarianism? I think not. Although Quigley contemplates authority much in excess of what laissez-faire libertarians such as myself would approve, many conservatives, especially followers of Russell Kirk, who do not rule out all social welfare programs and tradition-bound, submissive-dominant, or even coercive societal relationships, might feel perfectly at home with Quigley's brand of Western tradition worship.

LEFT INFILTRATED BY THE RICH

But how did the America's Establishment get mixed up in the twentieth century's perverted version of liberal and even radical left politics? *TRAGEDY AND HOPE* provides the answer to this question that has

"Quigley's book, **Tragedy and Hope,** *shows why America's wealthy systematically ignore those who advocate private property."*

frustrated American conservatives for so long. Through Quigley's facts it becomes clear why advocates of private property who consider themselves the defenders of wealth are systematically ignored by America's wealthy. The key to the Eastern Establishment's docile "acquiescence" to more and more government control of business as well as its leap onto the "progressive" bandwagon was laid bare in the following passages from Professor Quigley:

> More than fifty years ago the Morgan firm decided to infiltrate the left-wing political movements in the United States. This was relatively easy to do, since these groups were starved for funds and eager for a voice to reach the people. Wall Street supplied both. The purpose was not to destroy, dominate, or take over but was really threefold: (1) to keep informed about the thinking of left-wing or liberal groups; (2) to provide them with a mouthpiece so that they could "blow off steam"; and (3) to have a final veto on their publicity and possibly on their actions, if they ever went "radical." There was nothing really new about this decision, since other financiers had talked about it and even attempted it earlier.[8]
>
> . . . .
>
> To Morgan all political parties were simply organizations to be used, and the firm always was careful to keep a foot in all camps. Morgan himself, Dwight Morrow, and other partners were allied with the Republicans; Russell C. Leffingwell was allied with the Democrats; Grayson Murphy was allied with the extreme Right; and Thomas W. Lamont was allied with the Left. Like the Morgan interest in libraries, museums, and art, its inability to distinguish between loyalty to the United States and loyalty to England, its recognition of the need for social work among the poor, the multipartisan political views of the Morgan firm in domestic politics went back to the original forerunner of the firm, George Peabody (1795-1869). To this same seminal figure may be attributed the use of tax-exempt foundations for controlling these activities, as may be observed in many parts of America to this day. . . . Unfortunately, we do not have space here for this great and untold story, but it must be remembered that what we do say is part of a much larger picture.[9]

KOLKO CORROBORATION

In broad outline Quigley's facts are corroborated by Gabriel Kolko in his *TRIUMPH OF CONSERVATISM* (by which he means triumph of the vested interests), which is attracting increasing attention from advocates of laissez-faire capitalism. According to Kolko, the later part of the nineteenth and early twentieth centuries were actually times of increasing competition rather than decreasing competition as the "progressive myth" would have us believe. In reaction, vested financial interests, epitomized by J. P. Morgan, retreated from the honorable paths of economic competition and under the veil of "progressivism," turned to the government to bludgeon their upstart Midwestern challengers. With the support of the unsuspecting leftists they had financed, the Wall Street clique was able to pass the pegislation it needed to maintain and expand its financial control in the face of mounting competition. Thus—in the name of breaking Wall Street's death grip on finance and industry—anti-trust laws, the Federal Reserve Act, and progressive income tax were passed. By adept control of politicians, the vast government power thereby created was used selectively against newcomers to the benefit of the established, while the progressive income tax prevent the accumulation of new wealth, but let the old wealth hide in tax-exempt foundations.

THIRD-PARTY PRESSURE

Quigley presents a number of examples of how Wall Street, first under the domination of J. P. Morgan, and later under the domination of Rockefeller, used left-wing politics to their advantage. Perhaps the most intriguing revelations explain how Morgan partner Willard Straight founded and later Mike Straight used the *NEW REPUBLIC* to launch the Henry Wallace for President campaign in 1948. According to Quigley, the Henry Wallace campaign was designed by Straight to put third party pressure on the Truman Administration in order to resolve the violent struggle for overseas routes in the airline industry following World War II, in a manner favorable to the Straight-Whitney family's deep involvement in Pan Am, BOAC, and other airlines.

In 1947, coinciding with Mike Straight's abandonment of Henry Wallace and the subsequent exposure of the communist elements Straight had let into the *NEW REPUBLIC*-led campaign, C. V. Whiteney was made, by presidential interim appointment, Assistant Secretary of the Department of the Air Force. After Truman's election Whitney was made Assistant Secretary of Commerce for Aeronautics, the most important post concerned with civil aviation in any Federal department. Quigley is less sure that the destruction

of the "popular front" coalition between communists and progressive liberals dating from the 1930's, which resulted from the communist support for Henry Wallace, was also planned by Mike Straight. Quigley remarked, "If Mike Straight planned to do what he did do to the Communists in 1946-1948, that is, to get them out of progressive movements and unions, he pulled off the most skillful political coup in twentieth century American politics."[10]

INFLUENCE OF RUSKIN

The mentality of wealth through politics, with its firm underpinning of progressive liberal and collectivist rationalizations, did not hesitate to finance groups ultimately bent on abolishing the private ownership of property as long as it was thought the political influence thereby created could be manipulated to gain juicy government favors. But it would be a mistake to ignore the role of ideology and attribute the accelerating demise of our free economy to the unprincipled, grasping tactics of the rich alone. The real force behind the sustained attack on economic freedom and steady slide into welfare statism at home and appeasement abroad was a certain set of ideas Quigley traces back to John Ruskin and his ardent admirer, the British imperialist, Cecil Rhodes. According to Kenneth Clark, Ruskin derived most of his inspiration "directly from the source book of all dictatorships, Plato's *REPUBLIC*. He read Plato almost every day...."[11] "No doubt Ruskin underrated the corruptibility of man and the coarseness inherent in all forms of government. He would have been horrified by the exploits of Hitler and Stalin. But I doubt if he would have shrunk from the results of his doctrine as much as one would suppose. In spite of its materialist philosophy, he would, I think, have approved of Communism; the peasant communes in China, in particular, are exactly on his model. He would not have thought the cure worse than the disease because he could not imagine a worse disease than the capitalist society of the nineteenth century."[12]

According to Professor Quigley:

> Ruskin spoke to the Oxford undergraduates as members of the privileged, ruling class. He told them that they were the possessors of a magnificent tradition of education, beauty, rule of law, freedom, decency, and self-discipline but that this tradition could not be saved and did not deserve to be saved, unless it could be extended to the lower classes in England itself and to the non-English masses throughout the world. If this precious tradition were not extended to these two great majorities, the minority of upper-class Englishmen would ultimately be submerged by these majorities and the tradition lost. To prevent this, the tradition must be extended to the masses and to the empire.
>
> Ruskin's message had a sensational impact. His inaugural lecture was copied out in longhand by one undergraduate, Cecil Rhodes, who kept it with him for thirty years. Rhodes (1853-1902) feverishly exploited the diamond and gold fields of South Africa.... Rhodes inspired devoted support for his goals from others in South Africa and in England. With financial support from Lord Rothschild and Alfred Beit, he was able to monopolize the diamond mines of South Africa as DeBeers Consolidated Mines and to build up a great gold mining enterprise as Consolidated Gold Fields. In the middle of the 1890's Rhodes had a personal income of at least a million pounds sterling a year (then about five million dollars) which was spent so freely for his mysterious purposes that he was usually overdrawn on his account.
>
> These purposes centered on his desire to federate the English-speaking peoples and to bring all the habitable portions of the world under their control *[sic]*. For this purpose Rhodes left part of his great fortune to found the Rhodes Scholarships at Oxford in order to spread the English ruling class tradition throughout the English-speaking world as Ruskin had wanted.[13]

IMPACT OF RHODES

However, the Rhodes Scholarships, designed to recruit intellectuals' support, were only the tip of the iceberg of political intrigue launched by Cecil Rhodes. According to Quigley, Rhodes organized a secret society with an inner "Circle of Initiates" and an outer circle known as the "Association of Helpers." The inner circle included such well placed men as Sir Alfred Milner and Lord Rothschild. It wasn't until after Rhodes' death that Lord Milner organized the "outer circle," under the name of Round Table Groups in British dependencies and the United States. In an interlocking relationship with the Round Table Groups, Institutes for International Affairs were established, including the Council on Foreign Relations in the United States, and the Institute for Pacific Relations in countries holding territory in the Pacific area. It was through the Council on Foreign Relations and its satellite organizations that the American Establishment was won over to the Anglophile, elitist socialism of John Ruskin, the inspiration of the Round Tablers.

Clearly, the greatest triumph of the Rhodes initiated intrigue was wooing America away from its isolationism to rescue British interests during the First and

Second World Wars. However, Quigley does not view the Round Table Groups as an omnipotent force in modern history, bent on world-wide totalitarianism, as do the conspiracy buffs of the John Birch Society. In describing the ideas of the Round Tablers in general and Lionel Curtis in particular, Quigley says:

> He had a fanatical conviction that with the proper spirit and the proper organization (local self-government and federalism), the Kingdom of God could be established on earth. He was sure that if people were trusted just a bit beyond what they deserve they would respond by proving worthy of such trust. As he wrote in The Problem of Commonwealth (1916), "if political power is granted to groups before they are fit they will tend to rise to the need." This was the spirit which Milner's group tried to use toward the Boers in 1902-1910, toward India in 1910-1947, and, unfortunately, toward Hitler in 1933-1939. This point of view was reflected in Curtis' three volumes on world history, published as *CIVITAS DEI* in 1938. In the case of Hitler, at least, these high ideas led to disaster; this seems also to be the case in South Africa; whether this group succeeded in transforming the British Empire into a Commonwealth of Nations or merely succeeded in destroying the British Empire is not yet clear, but one seems as likely as the other.[14]

Or again: "If their failures now loom larger than their successes, this should not be allowed to conceal the high motives with which they attempted both."[15]

Quigley obviously believes that the Rhodes Round Table Groups were and are important in providing the intellectual and political direction for the English-speaking world. There is, however, no hint in *TRAGEDY AND HOPE* that the Round Tablers were the "paymasters" for the Bolshevik Revolution as charged by Mr. Allen in *NONE DARE CALL IT CONSPIRACY,* citing *CZARISM AND THE REVOLUTION* by the White Russian General, Arsene de Goulevitch. Even if the Round Tablers were active in supporting the Bolsheviks, it is likely that they did so in the misguided hope that they could influence the Communists toward the anglophile ideals of World Federation and lived to rue the day.

IMPORTANT LESSON ISN'T CONSPIRACY

The important lesson to be learned from *TRAGEDY AND HOPE* by those who support the libertarian ideals of the American Revolution, which are under such withering attack today, is not that victory lies in the exposure of conspiracy as the Birchers would have us believe, but that a better understanding of the subtle relation between intellectual trends and political-economic power in the course of history is crucial to our cause. Both libertarians and conservatives have held the view that since ideas determine the course of history, all that is necessary for victory is that the correct views be enunciated. Unfortunately, the currency of the "free market place of ideas" is not rationality and logic, but money, as it is in all market places. Instead of simply arguing rationally for the logic of laissez-faire economics and limited government we must begin to seriously contemplate how such a program can gain the support of people with the means and motives to spread and implement such ideas.

Everyone who opposes today's drift toward welfare statism should contemplate this statement by Quigley:

> It was this group of people, whose wealth and influence so exceeded their experience and understanding, who provided much of the framework of influence which the Communist sympathizers and fellow travelers took over in the United States in the 1930's. It must be recognized tha the power that these energetic left-wingers exercise was never their own power or communist power but was ultimately the power of the international financial coterie . . . .[16]

Whether or not the "international financial coterie" is somewhat bumbling, as Professor Quigley pictures them, or evil wizards as the John Birch Society sees them, it appears that the radical leftists, who conservatives are so worried about, are no serious threat to this Establishment. Apparently, the left is not seen as a serious threat by the Establishment which rests confident that radicals are either safely under the sway of its internationalist socialist line or held in check by the power of the purse. This should really come as no surprise to conservatives who have complained for years that liberal authorities are soft on leftists.

By contrast, Professor Quigley, in his analysis of the Goldwater campaign, paid the conservative movement, by implication, a glowing compliment. He states, "At issue here was the whole future face of America."[17] The real threat to the liberal Establishment, according to Professor Quigley, is America's conservative or, as he prefers to call it, neo-isolationist or unilateralist movement. He sees the Goldwater campaign as the political climax of the

"self-financing" new wealth that sprang up mostly in the West during and after the Second World War in the technology associated industries. Unfortunately, Professor Quigley brushes Goldwaterism off as motivated by petty bourgeois envies and fears and does not even pause to analyze the conservative movement's claim to be the true representatives of the American Revolution and the best in Western Civilization.

CURRENT INTRIGUES

Since *TRAGEDY AND HOPE* was published in 1966 we must rely on our own speculations concerning the current intrigues of the liberal Establishment. If Professor Quigley and the conservative movement are right on the importance of the 1964 presidential contest, it seems reasonable to suspect that the liberal Eastern Establishment has been struggling desperately ever since to bring the "new wealth" under its political guidance. The best way to bring a rival into your politcal camp is to create a common enemy. Could this be the explanation for the spectacular rise of the New Left in the late 1960's? Can anyone doubt that the traumas to conservative consciousness caused by the radical anti-war movement, racial riots, campus rebellions, and the radicalization of youth, all encouraged by Establishment Liberalism, produced the docile acquiescence to the "new" Nixon consensus by all but intellectual conservatives and libertarians even though the "new" Nixon is 20 degrees to the left of the "old" Lyndon Johnson? Whether or not the Establishment, through its control of Foundation and Government money, could and did purposely push Blacks, the young, and liberal intellectuals to the far left so that, by comparison, the liberal Establishment would look moderate to the unruly conservative elements in the business community, the effect is the same: conservatives are left out in the cold.

WHAT TO DO?

How can conservatives and libertarians elbow their way back into the fray? The first step is that we must stop playing the Establishment's game as much as possible. We must cease indulging in unqualified support of the Establishment in the naive belief that it is the harried defender of free-enterprise in an increasingly hostile, left-wing culture. It is now clear that the dominant Eastern faction in American business created today's virulent left-wing atmosphere, whether by weak-kneed, guilt ridden appeasement, as we have always believed, or by an elitist left-liberalism of British origins that was made to dovetail with their vested financial interests.

This does not mean that we must "go radical" and work toward violent overthrow of the corporate-liberal power structure as some radical libertarian anarchists have suggested. Rather we must seek to re-polarize the American business elite into laissez-faire and statist factions. The up-and-coming entrepreneurs are not looking for government assistance, but simply to be left alone so they can grow. They are our potential allies. Only our energy and their money save them from being regulated out of business. With the political power inherent in the increasingly regulated American economy in the hands of the liberal Eastern Establishment, it will be difficult indeed to induce vulnerable businessmen to struggle with us for freedom. We must assume that enough freedom is left to justify the effort. ◻

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[1] Caroll Quigley, *TRAGEDY AND HOPE* (New York: 1966), p. 950.

[2] William Buckley, "Notes Toward an Empirical Definition of Conservatism," *INSIGHT AND OUTLOOK,* Volume V, No. 5, May 1963.

[3] Gary Allen, *NONE DARE CALL IT CONSPIRACY* (Rossmoor, California: 1971), p. 8.

[4] Buckley, *supra* note 2.

[5] Quigley, p.1244.

[6] *IBID.,* p. 1271.

[7] *Ibid.,* p. 1231

[8] *Ibid.,* p. 938.

[9] *Ibid.,* P. 945.

[10] *Ibid.,* P. 944.

[11] Kenneth Clark, *RUSKIN TODAY* (New York: 1964), p. 269.

[12] *Ibid.,* p. 267.

[13] Quigley, pp. 130-131.

[14] *Ibid.,* p. 146.

[15] *Ibid.,* p. 954.

[16] *Ibid.,* p. 954.

[17] *Ibid.,* p. 1246.

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the NEW anti-science movement

Ronald E Merrill

One of the most surprising—and discouraging—developments of recent times is the revival of the anti-science movement. For a while it seemed that the attitudes which produced the Scopes trial, the Inquisition, "Aryan Science", and the like had finally passed into history. But today the attack on science has been renewed, in a new form and with amazing success. It is, as Ayn Rand has called it,[1] an anti-industrial revolution, a frontal assault on progress and civilization as such.

The incredible thing about the anti-science movement is its mere existence in modern times. To convince the people of a technological society that science—to which most of them literally owe their lives—is evil would seem an impossible task. Yet this seeming impossibility is actually an advantage—for, because of it, those who attack science are not taken seriously. What we now hear is: "Well, they don't really want to abolish technology, just limit it a little." But the basic idea has become established, and that is what counts. The time is not yet ripe for *"Les savants au bucher!"*—but the time is coming.

What does it mean to speak of an "anti-science" movement? We are not primarily concerned here with philosophical attacks on the validity of scientific method, nor with the occasional claim, already being heard again, that science as such is evil. Instead, we shall focus on the increasingly successful attempts to indict science by blaming it for real or imaginary evils it has allegedly created.

ANTI-PROGRESS

The anti-science movement might better be called the anti-progress movement, because actually it attacks innovation at every stage, from the laboratory to the production line. It attacks research in genetics, space exploration,[2] and automotive style changes—all on the same grounds, that progress is bad. But the basic objective is science, for the simple reason that if one shuts off the faucet, one doesn't need to worry about dealing with the hose.

It is no coincidence that a cutback in scientific research has occurred at the same time that science has become a public whipping boy. Government policies—notably in the field of patents—have made it very difficult for private industry to make a profit on basic research. As a result, most such research is now done with government funds. Over the last few years this support has been substantially reduced—and that is an impressive measure of public dislike of science, for a government program has to be very unpopular indeed before its funding will be cut.[3]

GUERRILLA WARFARE

Yet the attack on science is seldom explicit. What is occurring now is the first phase of a philosophical guerilla war: sniping, raids on outlying posts, an occassional terrorist attack. The objective at this point is to weaken the enemy's will to resist, while simultaneously building a basis for a later direct attack. Already considerable progress has been made toward both these goals. Many scientists have openly joined the attack on science. And a surprising number of libertarians, who argue confidently and competently with statists when the issue is the draft or anti-trust laws, suddenly become embarrassed and apologetic when the subject turns to "ecology".

The basic technique used in the attack on science is a familiar one: the Method of the Poisoned Antidote. Problems caused by statism, by lack of technical knowledge, or by failure to apply that knowledge when available, are simply blamed on "unrestricted technology". This can be very effective, because the average person has little if any acquaintance with

even the most elementary scientific principles.

TYPES OF ATTACKS

Rand identifies anti-science with the so-called "Ecology Movement". But in fact, this is only part of a wide range of attacks, which might be roughly classified as follows:

1) Attacks on basic research, particularly in genetics and nuclear physics, because it results in knowledge or capabilities that "man shouldn't have".
2) Attacks on basic or applied research (space exploration is an obvious example) because it is "useless" and "diverts resources from higher priorities".
3) Attacks on the use of technology because it is "dehumanizing".
4) Most important, attacks on science technology because, it is claimed, it is destructive

We are going to concentrate on the fourth class of attack, because it is relatively recent and more effective than the other criticisms of science. However, a little should be said about the revival of the "traditional" objections to science.

The ancient, mystical opposition to eating of the fruit of the tree of knowledge has strong support among liberals and even some libertarians, who fear the use of, say, nuclear weapons or mind-controlling drugs by the State. Convinced that technology which *can* be used for coercion sooner or later *will* be so used, they advocate avoiding the possibility by preventing research in these areas. In addition, pacifists oppose any research which could lead to military weapons, religious groups object to genetic research which usurps the prerogatives of their deities, and so on. The "hard mystic" position that knowledge as such is evil has little support now. However, the "soft mystic" argument, that knowledge (or some knowledge) is potentially so dangerous it shouldn't be known, is becoming increasingly prominent. Both positions are similar, however, in that they object to science and technology because they give man a *choice*—the choice to use science to do good or evil, and the responsibility to make the correct decision.

The claim that science is useless also has a long and dishonorable history. One would think that the case for the utility of science has been proved beyond all doubt. Yet basic research is still vulnerable to the question "What good is it?" Benjamin Franklin's reply[4] fails to satisfy those who do not understand how the useful invention of today is based on the "useless, abstract research" of yesterday. Thus we now see strong public support for switching efforts from basic to applied research. The failure of this policy in other countries—notably the Soviet Union—is of course carefully ignored.[5]

Claims that technology is "dehumanizing"—whatever that means—can be traced back to the ancient Greeks. Today there is a strong and growing "back to nature" movement—"natural foods", "organic gardening", communes, etc., are increasingly popular. Most emphasis seems to be placed on food, and for good reason: in pre-technological societies, the average man's main concern in life was averting starvation.

On a somewhat loftier level, intellectuals in the humanities have long attacked science for its alleged tendency to make people less "human" and have created the stereotype of the robotlike scientist who feels neither pleasure nor pain. This is the starting point of Snow's "two cultures"—the separation of, and hostility between, the "humanistic" and scientific cultures.[6] As Asimov has pointed out[7], this hostility is the sole responsibility of the "humanists". He discusses several possible motives for their attack on science; however, both he and Snow miss one of the major factors. Much of what passes for erudition in the humanities is sheer bluff. The average college English professor lives with the unadmitted fear of exposure as an intellectual fraud—and the man most likely to expose him is the scientist, the real intellectual.

ENVIRONMENTALISM EXPOSED

The mainstay of the modern attack on science is the claim that technology is destructive; that progress has such dangerous side-effects that it should be abolished, or at least limited. The specific claims range from simple, "big lie" propaganda (such as the campaign against the Amchitka nuclear test) to honest, scientifically accurate studies by sincere scientists who are merely ignorant of economic or political principles. The political implementation of these claims is accomplished primarily by means of the "Environmentalist" movement.

"Environmentalism" is a political movement which has resulted from the penetration and take-over of conservationism—just as, say, syndicalism resulted from the similar take-over of the early union movement by Marxism. The pattern is the same in both cases—the exploitation of rational grievances by irrationalist groups in order to obtain political power. (In the same way, some "consumerists" cash in on the reputation of groups such as Consumer's Union.)

MISPLACED LOYALTY

Now, analyzing the anti-science movement is a good deal more difficult than analyzing, say, Communism or Fascism. One cannot, for instance, say: "here are the basic principles of environmentalism; let us examine them . . ."—because those principles are sel-

"Analyzing the anti-science movement is more difficult than analyzing, say, Communism, because its principles are seldom explicitly admitted."

dom if ever explicitly admitted. The essence of the movement is the combination of vague, lofty "ideals" with very specific political demands. A further problem results from the structure of the movement. This consists of three groups: a small number of anti-science intellectuals who provide the basic ideas and set the direction of the movement; a very large group of supporters, who follow uncritically because they are ignorant of science; and finally, a considerable number of competent intellectuals, *not* anti-science and legitimately concerned with environmental problems. It is the purpose of this article to detach the third group from their misplaced loyalty to the first group.

Rand[1] has provided a good analysis of the fundamental premises—the "why"—of the anti-science movement. This article will focus on the "how". The examples given below were obtained simply by going over a few months' back issues of several technical magazines. They are not carefully selected exceptions, but typical cases which illustrate some of the techniques and issues which are currently being exploited in the attack on technology.

ATTACK ON DDT

One of the most highly publicized issues of environmentalism is the use of chlorinated hydrocarbon pesticides and herbicides. DDT and 2,4,5-T have come in for the most criticism, the latter especially because of its use in Viet Nam. This issue provides some very clear-cut examples of propaganda techniques, so we will examine it at some length.

Let us begin by considering an anti-DDT leaflet printed by the National Audobon Society. Now, the Audobon Society is generally considered a respectable conservationist group, so it comes as something of a shock to see how low they have fallen. They begin by asking rhetorically "What's wrong with DDT?"; they then answer their own question and go on to recommend that the reader use other pesticides—which they name—a serious mistake. For instance, they say DDT "is harmful to wildlife, killing some animals outright and inhibiting reproduction in others". In fact, DDT has a very low toxicity to mammals, but *may* inhibit reproduction in some birds. However, the pesticides urged by Audobon to replace DDT, which include such compounds as nicotine sulfate, *do* kill animals outright—including birds. Again: DDT "affects our food supply; our fisheries are particularly vulnerable . . . use only such sprays as . . . rotenone . . . ." Consider this recommendation in the light of a passage from an Air Force survival manual[8]: "Catching fish by poisoning them is quite practical if you have the right poison, the most common being the well-known rotenone, the active ingredient in many insecticides. If properly used, one ounce of 12 percent rotenone (also called derris) will kill every fish for half a mile downstream in a stream 25 feet wide." Or again: "while the amount of DDT now in our bodies is small and has not yet proved harmful, scientists fear possible long range effects". As one alternative to DDT, Audobon proposes *malathion,* an organo-phosphorus compound closely related to the nerve gases; it is responsible for numerous accidental deaths. (DDT apparently has never killed a single human being, although literally whole populations have been dusted with it to control body lice.)

COMMON FALLACY

This is a prime example of a very common technique, which might be called "the fallacy of the ignored alternatives". This consists of citing an evil—or alleged evil—and proposing a solution, without examining the possible consequences of implementing the solution. In the specific case of DDT, two alternatives are commonly advocated. Replacement of DDT with other pesticides (the Audobon Society solution) has a very simple drawback: other pesticides are much more toxic than DDT—and because they are less persistent, higher levels must be maintained in the local environment. The result, easily predicted[9], would be more deaths for humans and wildlife. Another possibility is simply to stop using pesticides altogether. (Yes, that has been seriously advocated.) This idea has been examined by Dr. Norman Borlaug, perhaps the only person ever to actually earn the Nobel Peace Prize (he got it for his development of high-yield wheat strains, part of the "green revolution"): "Let's get our priorities in perspective. As much as I favor wildlife, man must come first. We must feed ourselves and protect ourselves against the health hazards of the world. To do that, we must have agricultural chemicals. Without them, the world population will starve."[10]

The pesticides issue is a gold mine of environmentalist fallacies and argumentative techniques. To cover a few very briefly:

• *The use of exaggerated claims and apocalyptic predictions*—often based on speculation rather than research. Thus, for instance, it has been claimed that TCDD (an impurity in 2,4,5-T) has an LD_{100} of about 1 μg/Kg. This is an utterly ridiculous figure; it would make TCDD as toxic as batrachotoxin.[11] Yet many claims such as this are made quite casually.

• *Sloppy or hasty research.* A good example is eggshell thinning in birds. Newspaper publicity gener-

ally states, as an established fact, that DDT is responsible. In fact this is still an area of some controversy.[12] Not only have some experiments been poorly controlled, but the postulated mechanism for DDT intervention in eggshell formation (inhibition of carbonic anhydrase) has been shown false.[13] It has been suggested—only half in jest—that eggshell thinning is due not to DDT but to disturbance of the birds by environmentalists trampling through their nesting grounds to examine their reproduction rates.

• *Failure to bother even looking up known facts.* Thus it is common for environmentalists to talk about DDT being carried by runoff waters into the ocean. In fact, DDT is removed from the soil mainly by evaporation, and it is about ten times as concentrated in the air (0.1 ppb) as it is in the ocean (0.01 ppb).[14]

• *Failure to consider—or even admit—facts in favor of the action under fire.* For instance, DDT's low toxicity to mammals—its prime advantage—is systematically ignored in the environmentalist literature. Also ignored is the existence of "modified" DDTs which are biodegradable.[15] Furthermore, some beneficial side-effects have been claimed for chlorinated hydrocarbons. One study indicates that DDT in the diet may help prevent cancer.[16] It has also been claimed that DDT pollution of fresh water moderates mercury pollution by inhibiting the conversion of inorganic to organic mercury.[17] Perhaps most amusing is the case of the chlorinated hydrocarbon 2,4-D. Grasshoppers have adapted to it and apparently use it as starting material to synthesize 2,5-dichlorophenol, which now occurs in their defensive froth.[18]

MERCURY POLLUTION SCARE

Let us examine another case. Mercury pollution is a good example because it illustrates several points: the unity of "ecology" and "consumerism", the problem of standards, and, particularly, the danger of jumping to conclusions.

The whole thing began with some "common sense". It has been known for a long time that mercury is a very toxic substance. But—put a little mercury in a test tube full of water, and what happens? Why, the mercury sinks to the bottom and just sits there. So manufacturers who used mercury didn't worry too much if some escaped into the local river (although, actually, they did—mercury is extremely expensive). Clearly, it would just sink to the bottom and do no harm. However, as often happens when "common sense" is used as an excuse for not doing research, things turned out to be not so simple. Microorganisms convert elemental mercury to organic forms such as methylmercury; it then gets into the food chain.

Now, this is a relatively limited and easy-to-solve environmental problem. Why? First, because mercury is so costly that recovery of spillage tends to pay for itself. Second, because there are very few industrial plants using mercury in large amounts. Third, because it is a fresh water problem only (it would take a hundred million metric tons of mercury to double the concentration in sea-water[19]). However, when high mercury levels were found in fresh-water fish, the FDA hit the panic button. Ocean fish such as tuna and swordfish were found also to contain mercury—and the immediate conclusion was that this was due to pollution. As it turns out, it can be easily proven that mercury in tuna is due to natural biological concentration of oceanic mercury. For one thing, mercury levels are equally high in old—even prehistoric—fish which have been preserved.[20] (The feeble claim[21] that this is due to contamination by impure preservatives is easily refuted.[22]) Incidentally, tuna also concentrates selenium, an element which mitigates the toxicity of mercury.[23] The evidence suggests that the FDA restriction on mercury in food (0.5 ppm) is unreasonably high—unless the purpose is to discourage cannibalism; most Americans have body mercury levels of 0.5 to 1.0 ppm.[24]

FOOD ADDITIVES

Another informative example is the issue of food additives and food contamination. A prominent factor here is the use of "consumer safety" regulations by industry in attempts to eliminate competitors. Let us take a rather trivial case to start with. An improved macaroni with high protein content has been developed. Its appearance on the market has been blocked—the FDA, at the behest of manufacturers of regular—and inferior—macaroni, refuses to allow the new product to be called macaroni.[25]

Many similar but more substantial cases have been publicized recently. The cyclamate and fish-flour issues are so prominent as to need no discussion. In both cases, the FDA banned the use of foodstuffs of known value—the one on very poor scientific evidence, the other on none at all. More recently, saccharin has been taken off the GRAS list (Generally Recognized As Safe). On what basis? Well, twenty rats were fed saccharin at 5% of their diet (2.5 g/kg-day). This is equivalent to an adult human drinking 875 bottles of diet pop a day for life. Three of the rats developed bladder tumors which "appear to be malignant". Who did this research? The Wisconsin Alumni Research Foundation Institute—*financed by the International Sugar Research Fund.*[26]

The key to this method of suppressing competition is the "Delaney Clause". This law requires the banning of any *artificial* food additive which can be linked in

"It comes as a surprise to learn that sulfur dioxide at pollution levels is reported to be harmless to mammals–and possibly even beneficial."

any way to cancer. (The requirement that the additive be artificial is very possibly the only thing protecting sugar makers from retaliation in kind.)

One might ask why studies at such high concentrations are even considered seriously. The main reason is lack of alternative. If a compound affects, say, one person in a million at normal dosages, one needs literally millions of lab animals to study the effects at that concentration. Obviously the expense would be prohibitive. The only alternative is to study very high dosages, and extrapolate one's results to normal doses.

"NO THRESHHOLD" THEORY

Extrapolation, however, is notoriously unreliable. In spite of this well known fact, some scientists and most "consumerists" have adopted the "no threshhold" theory. This is the concept that toxicity is *never* reduced to zero as long as there is *any* dosage–no matter how small.[27] The problem with this idea is that counterexamples are so easy to find. Take copper, for instance. Cupric sulfate is a deadly poison. Yet, as dosage is decreased, there comes a point where cupric ion is harmless. What's more, below that level, copper has a "negative toxicity"–it is one of the trace elements necessary to human life.

Another obvious problem with the "no threshhold" concept is that it can be used to justify banning anything–since any compound is toxic at a sufficiently high dosage. An article[28] on "Sanity in Research and Evaluation of Environmental Health" gives some examples:

> If man is prohibited from consuming foodstuffs because of their content of natural toxins, where will it end? Honey contains the potent grayanotoxins (given intraperitoneally, a dose lethal to 50 percent of the animals tested is approximately 1 milligram per kilogram.) German raisins have been found to be teratogenic, while caffeine and tannin are tumorigenic; nutmeg, parsley, and dill are highly toxic because of their myristicin and apiole contents. Vitamin C has produced tumors in mice.

It seems clear that a more reasonable standard is needed for evaluating foodstuff toxicity–or at least *some* standard. At present, decisions concerning the use of food additives appear to be made on the basis of publicity and political rather than scientific considerations.

AIR POLLUTION

We may also consider some examples from the field of air pollution. The case of carbon monoxide provides an instance of the dangers of drawing conclusions from inadequate research. Enough is produced by man to double the ambient level in the atmosphere in about 5 years[29]–yet the actual level appears to be declining.[30] Why? Because carbon monoxide is taken up by soil bacteria as fast as it is formed.[31]

Sulfur dioxide affords some even more amusing results. It is presently the "leading" air pollutant in terms of publicity and removal efforts. This has occurred for two reason: 1) it is highly "visible"–having a strong odor, high acidity, and rather high concentrations due to the widespread occurence of sulfur in coal and oil; 2) it is relatively easy to abate by using low-sulfur fuels and scrubbing exhaust gases. It comes as rather a surprise to learn that sulfur dioxide at pollution levels is reported to be harmless to mammals[32]–and possibly even beneficial.[33] This is a prime example of a common procedure in environmentalism: pouncing on a target of convenience, often at the expense of efforts to attack really serious problems.

Consider the case of air pollution in general. We can imagine two possible extremes in measuring the degree of air pollution: in terms of pollutant concentrations in the troposphere as a whole, or in terms of pollution of the air that is actually breathed by humans. The latter is clearly more significant, but environmentalists have been much more concerned with approximating the former. A little thought shows why: the average American spends most of his time indoors, and almost certainly the major source of pollution in the air he breathes is due to cigarette smoke–if he is a nonsmoker. For smokers, of course, all other types of air pollution pale into insignificance. (Recently it was discovered that cigarettes are a major source of the very toxic heavy metal cadmium in man.[34] A single cigarette contains 1-2 micrograms, of which the smoker absorbs about half; the other people in the room with him get the rest.) But when environmentalists talk about air pollution, tobacco is never mentioned–for obvious reasons.

DETERGENT POLLUTION

The detergent controversy is a typical case of environmentalists going off at half-cock and introducing a cure worse than the original evil. The first

detergents were of the sulfonate type; they were adopted because of their numerous advantages over soap. Unfortunately, as detergent use increased, disadvantages became apparent. Detergents could ruin septic tanks. Moreover, the sulfonate detergents have long environmental half-lives, and thus rivers into which sewage was poured tended to become sudsy. Under heavy pressure from the proto-environmentalists, detergent manufacturers switched to phosphates, which were enthusiastically advertised as "biodegradable". However, "biodegradable" merely means "edible to microorganisms", and with all this extra nourishment, algae growth soon was getting out of hand. Eutrophication became the word of the day. It was then proposed to replace phosphates with NTA (nitrilotriacetic acid). This fortunately has been stopped by an alleged health hazard; environmentalists have ignored evidence that a switch to NTA could *increase* eutrophication. (It now seems likely that nitrogen has replaced phosphorus as the limiting reagent for algae growth in many waterways, and NTA contains nitrogen.) [35]

All this mess is due to the desperate desire of environmentalists to avoid naming the real source of detergent pollution: *municipal governments that dump raw or partially treated sewage into their local rivers.* Thus the attempts to pin the blame on industry and demand that it come up with a "non-polluting" detergent; unfortunately, there is no such thing.

SEA POLLUTION

Pollution of the sea by petroleum is another focus of environmentalist concern. It is generally casually assumed that accidental oil spills are the chief culprit. In fact, in 1969, accidental spills accounted for only about one percent of oceanic oil pollution. The major contributor (53%) was atmospheric fallout from industrial and auto exhausts. [36] It is again a case of attacking the visible rather than the dangerous foe—major oil spills create spectacular, but local and temporary effects.

A related problem goes virtually unmentioned by environmentalists: each year in the U.S., over a billion gallons of used motor oil is dumped or burned. Rerefining is discouraged by a special tax on the process. [37]

ANTI-NUCLEAR CRUSADE

Let us take one more example. The attack on the use of nuclear power provides a graphic example of the effects of scientific ignorance. One would expect, since fossil fuel power plants are major polluters, that environmentalists would be strong supporters of atomic energy. In fact, they have concentrated some of their most energetic efforts against the building of power reactors. Why? Because the weapon—the public's superstitious fear of atomic energy—is convenient to hand.

The actual motives of the anti-nuclear crusade become clear when we consider the professed motives. What specific objections could be raised to nuclear power?

• *Thermal pollution:* A nuclear reactor, because of its lower operating temperature, produces about twice as much waste heat as a fossil fuel power plant of the same output. However, this could actually be an asset rather than a liability, because this heat can be put to use. For instance, in London there is a reactor whose excess heat is used to provide hot water for local homes. It has also been proposed to use a reactor's thermal output to produce an upward blast of hot air which could break up atmospheric inversions and thus alleviate smog. But most such schemes require locating the reactor in the city—and people are afraid it will explode. (It can't—but most people don't know that.)

• *Release of radioactivity:* Well, some simple figures [38]: humans in the United States are exposed to 2×10^7 rems/year due to medical X-rays alone; one power reactor results in a total exposure of about 40 rems/year. Yet Paul Ehrlich, a prominent environmentalist, has claimed that radioactive effluents into the sea from an unspecified reactor have made some oysters so radioactive they glow in the dark. [39] (His reaction when told the statement was false: "It doesn't make any difference." [40]) [41]

• *Disposal of radioactive wastes:* This is the one presently unsolved problem with nuclear power. There is, however, a long-term solution on the horizon: rocketing the long-lived wastes into the sun. In the meantime, storage problems appear capable of solution.

• *Accidental release of radioactivity:* Most attacks are based on a simple principle—nobody can prove that an accident won't happen *someday.* Atomic energy's excellent safety record so far is simply ignored; of course. [42]

These are the real issues involved in the use of nuclear power. When we consider them in the context of the typical anti-reactor campaign, it is clear that so much uncontrollable hysteria could not be aroused by such minor threats. It isn't—it is aroused by simple superstitious fear of the unknown, and the alleged issues merely provide face-saving pretexts. As a final piece of evidence, one might consider the attitude of systematic apathy displayed by most environmentalists toward the development of thermonuclear

(fusion) power, which would be even cleaner than fission reactors.

NEED FOR RATIONAL APPROACH

Now, what has been the point of giving all these examples? First, to illustrate the techniques by which it is possible to attack science and still be listened to by sane men. Second, to attempt to demolish the prevalent belief that "the environmentalist movement is basically good, we just have to correct a few excesses." Irrationalist movements of all sorts have repeatedly been protected by this sort of attitude. The Bolsheviks, the Weathermen, the Syndicalists, etc.—all have benefited by preempting a valid goal and then smearing their opponents as enemies of that goal. The environmentalist movement should *not* simply be reformed—it is rotten *at the core,* based on an implicitly anti-science ideology. This vital center should be abolished, and replaced with a rational approach.

What is a rational approach? A libertarian position on ecological—and consumer—questions should be based on the following principles:

First: Objectives must be defined. Nobody as yet really knows what constitutes an ideal environment for man, for instance. Environmentalists have deliberately avoided tackling such questions—for obvious reasons. Libertarians, however, should begin by defining terms and establishing principles and standards, rather than using the traditional *ad hoc* approach.

Second: Problems must be attacked with serious research. The typical technique now is to conduct a cheap, hasty series of experiments, then seize on the incomplete results as justification for a corrective action which often results in even worse problems. Sometimes no research at all in done.[43] In most environmental issues, considerable research is needed just to determine the nature of the problem; even more research is required to identify the cause and find a solution. In short, a rational environmentalist should insist on knowing the facts before taking action.

Third: The present legal and ideological grounds for assigning responsibility for ecological—and consumer—problems must be changed. Courts at present apply the "balancing of interests" test and refuse to consider indirect destruction of another's property by pollution as trespass or arson.[44] Libertarians must insist on the enforcement of property rights as a means of attacking pollution. In most cases, this will result in putting the ultimate blame back squarely where it belongs—on the State.

Fourth: Libertarians must fight the growing politicization of science. This subject deserves an article in its own right. One of the unpleasant by-products of a technological society is the close interaction of science and politics, as technical issues become politically relevant. This is gradually bringing the "real" sciences down to the leve of, say, economics—where a Paul Samuelson gets the Nobel Prize, and a Ludwig von Mises is an unknown. There is a growing tendency for scientists to receive recognition and funding on the basis of the political acceptability of their research results—just as is already the case for economists, sociologists, etc. The following process has become familiar: Scientist A concludes, on the basis of massive dosage experiments, that food additive X (or contraceptive Y, or pesticide Z) "may possibly cause cancer". Senator S seizes on this—he is an enemy of the X (or Y or Z) industry—and holds massively publicized hearings. Scientist A's claims appear in the front-page headlines, except that now it's "X (or Y or Z) CAUSES CANCER, SAYS NOTED SCIENTIST". (Scientists B, C, and D, who testified that they couldn't duplicate A's results and don't think his conclusions are correct, are unmentioned by the media.) The Administration, fearful of embarrassment, orders the FDA to ban X (or Y or Z) regardless of the scientific data. The National Science Foundation (who know which side their appropriations bread is buttered on) give Scientist A a $100,000 grant to make further studies. (Scientists B, C, and D may find that they can no longer get grants—or tenure.) The result of all this is that scientists—most of whom are directly or indirectly dependent on the government—tend to become careful not to make public statements contradicting the environmentalist establishment.

This is a disastrous trend; it could lead to an American Lysenkoism and the end of science in this country. It can only be fought by removing science—and scientists—from the control of the federal government. Basic research must be returned to private funding. This would require extensive changes in tax, patent, and education policies.

The lead should be taken—now—by libertarians—nobody else is doing it. What science needs today is not apologists, but defenders. ◻

NOTES AND REFERENCES

[1] Ayn Rand, *THE OBJECTIVIST,* January 1971.

[2] Although space exploration might be legitimately opposed to the extent it is financed by government taxation, this is not the issue raised by the vast majority of its opponents.

[3] Actual figures for amounts spent on scientific research are very difficult to find. Both government and industry routinely

release only figures for "Research and Development" expenditures. Since "R&D" can cover anything from the cost of building a particle accelerator to the salary of the stylist who designs a new tail-fin, support for actual research can only be guessed at.

[4] "What good is a new-born baby?"

[5] This is not to imply that there is anything wrong with applied research. But it is important to realize that applied research, without a strong basis in fundamental research to draw on, is a short-term investment. It can improve an old product, but it can't give you a new product.

[6] C. P. Snow, *THE TWO CULTURES: AND A SECOND LOOK* (New York: Mentor, 1963).

[7] Isaac Asimov, "Battle of the Eggheads", in *FACT AND FANCY* (New York: Pyramid, 1963), p.195.

[8] P. H. Nesbitt, A. W. Pond, and W. H. Allen, *THE SURVIVAL BOOK* (New York: Funk & Wagnalis, 1959), p.50.

[9] See, for instance, *CHEMICAL AND ENGINEERING NEWS,* 9 Aug. 1971, p.17. During the writing of this article, the use of DDT was banned by the Federal Government—which admits that it will be replaced for most purposes by parathion, an exceptionally deadly organophosphate pesticide.

[10] *U. S. NEWS AND WORLD REPORT,* 1 Nov. 1971, p.93.

[11] *CHEMICAL AND ENGINEERING NEWS,* 15 Nov. 1971, p.6; 24 Jan. 1972, p.24.

[12] This subject has been briefly reviewed in *CHEMICAL AND ENGINEERING NEWS,* 16 Aug. 1971, p.6.

[13] Y. Pocker, W. M. Beug, & V. R. Ainard, *SCIENCE 174,* 1336 (1971).

[14] G. M. Woodwell, P. P. Craig, & H. A. Johnson, *ibid. 174,* 1101 (1971).

[15] *CHEMICAL AND ENGINEERING NEWS,* 2 Aug. 1971, p.7. The use of these virtually ideal pesticides is being held up by FDA clearance.

[16] *Ibid.,* 6 Sept. 1971, p.16.

[17] *Ibid.,* 5 July 1971, p.33.

[18] T. Eisner, L. B. Hendry, D. B. Peakall, & J. Meinwald, *SCIENCE 172,* 277 (1971).

[19] The *HANDBOOK OF CHEMISTRY AND PHYSICS* gives mercury concentration in sea-water as 0.3 ppb and total ocean area as 3.6×10^8 km^2. Assuming an average depth of 1 km, total mercury is on the order of 10^{11} kg.

[20] *CHEMICAL AND ENGINEERING NEWS,* 30 Aug. 1971, p.14; 3 Jan. 1972, p.14.

[21] *Ibid.,* 10 Jan. 1972, p.48.

[22] G. E. Miller, P. M. Grant, R. Kishore, F. J. Steinkruger, F. S. Rowland, & V. P. Guinn, *SCIENCE 175,* 1121 (1972).

[23] H. E. Ganther, C. Goudie, M. L. Sunde, M. J. Kopecky, P. Wagner, Sang-Hwan Oh, & W. G. Hoekstra, *ibid. 175,* 1122 (1972).

[24] *CHEMICAL AND ENGINEERING NEWS,* 18 Oct. 1971, p.52.

[25] *Ibid.,* 17 Jan. 1972, p.3.

[26] *Ibid.,* 7 Feb. 1972, p.4.

[27] For a good critique of this theory, see B. D. Dinman, *SCIENCE 175,* 495 (1972).

[28] H. E. Stodkinger, *SCIENCE 174,* 662 (1971).

[29] *CHEMICAL AND ENGINEERING NEWS,* 10 May 1971, p.24.

[30] M. Eisenbud & L. R. Ehrlich, *SCIENCE 176,* 193 (1972).

[31] It is also dissolved in the sea, being much more soluble than oxygen or nitrogen. See note 29, *supra.*

[32] *CHEMICAL AND ENGINEERING NEWS,* 5 Aug. 1971, p.10.

[33] *Ibid.,* 15 Dec. 1969, p.15.

[34] *Ibid.,* 21 Feb. 1972, p.16.

[35] *Ibid.,* 14 June 1971, p.26.

[36] *Ibid.,* 13 Dec. 1971, p.35.

[37] *Ibid.,* 11 Oct. 1971, p.9.

[38] A. P. Hill, *SCIENCE 174,* 1280 (1971).

[39] Some plants and animals are capable of concentrating radioactive material in their tissues.

[40] *CHEMICAL AND ENGINEERING NEWS,* 19 Aug. 1971, p.52.

[41] I have read that a nuclear power plant releases less radioactivity into the atmosphere than a comparable fossil plant (fossil fuels contain radioactive minerals, which are released on burning). Unfortunately, I was unable to relocate the documentation for this claim.

[42] It should be pointed out, however, that some very serious questions have been raised about the safety of *one type* of power reactor, the circulating metal variety of the liquid metal cooled fast breeder reactor (LMFBR). Although objective reporting on this issue is virtually nonexistent, it appears that the scientists who have raised these questions remain staunch supporters of nuclear power.

[43] Another example: Environmentalists strongly promote recycling paper. It has been suggested, however, that this is a poor idea because it saves on renewable resources (notably trees and labor) at the expense of using more nonrenewable mineral resources. Again, I have lost the documentation.

[44] See discussion in "Legal Remedies for Pollution Abatement", *SCIENCE 175,* 1085 (1972).

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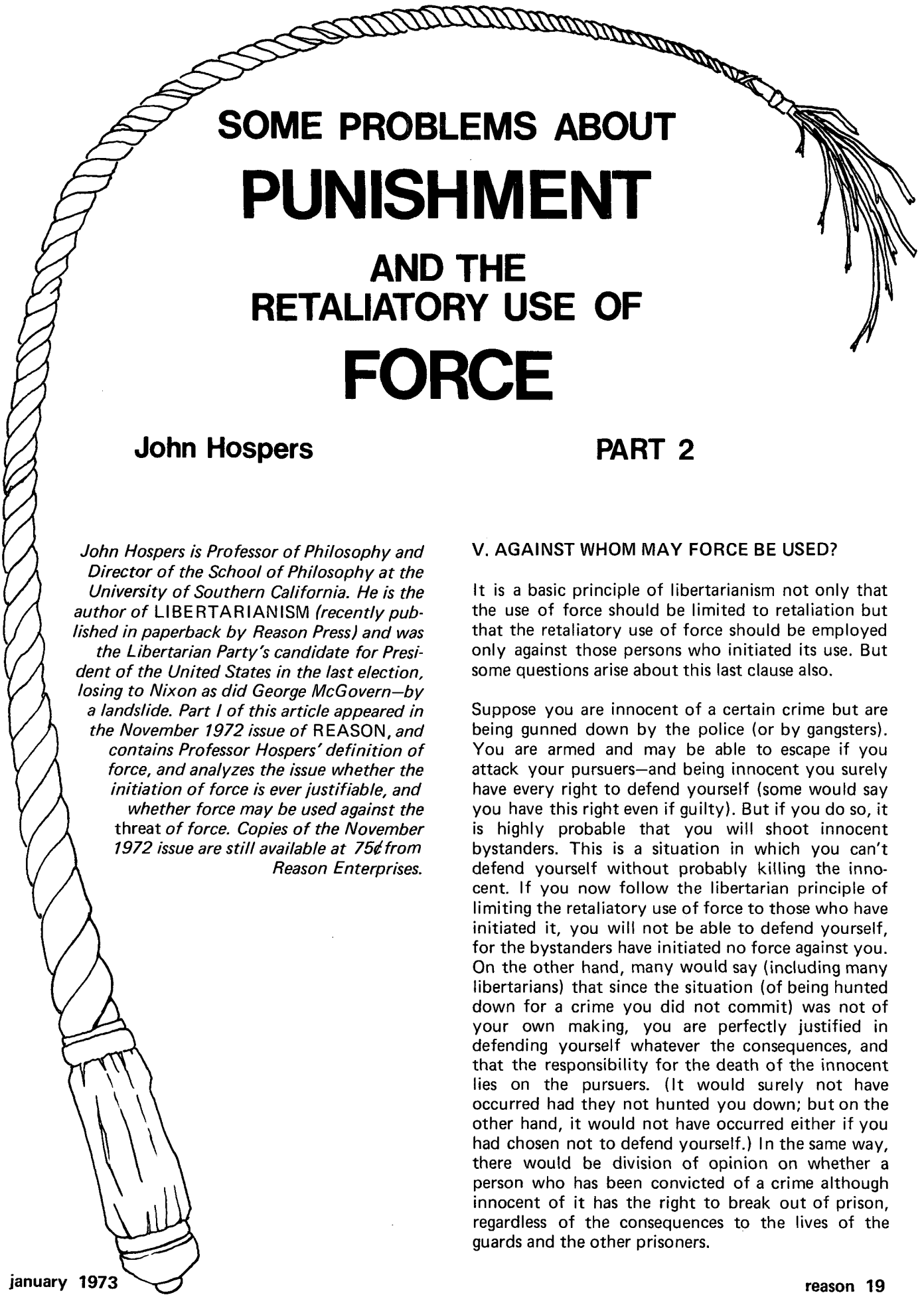


SOME PROBLEMS ABOUT PUNISHMENT AND THE RETALIATORY USE OF FORCE

John Hospers

PART 2

John Hospers is Professor of Philosophy and Director of the School of Philosophy at the University of Southern California. He is the author of LIBERTARIANISM *(recently published in paperback by Reason Press) and was the Libertarian Party's candidate for President of the United States in the last election, losing to Nixon as did George McGovern—by a landslide. Part I of this article appeared in the November 1972 issue of* REASON, *and contains Professor Hospers' definition of force, and analyzes the issue whether the initiation of force is ever justifiable, and whether force may be used against the* threat *of force. Copies of the November 1972 issue are still available at 75¢ from Reason Enterprises.*

V. AGAINST WHOM MAY FORCE BE USED?

It is a basic principle of libertarianism not only that the use of force should be limited to retaliation but that the retaliatory use of force should be employed only against those persons who initiated its use. But some questions arise about this last clause also.

Suppose you are innocent of a certain crime but are being gunned down by the police (or by gangsters). You are armed and may be able to escape if you attack your pursuers—and being innocent you surely have every right to defend yourself (some would say you have this right even if guilty). But if you do so, it is highly probable that you will shoot innocent bystanders. This is a situation in which you can't defend yourself without probably killing the innocent. If you now follow the libertarian principle of limiting the retaliatory use of force to those who have initiated it, you will not be able to defend yourself, for the bystanders have initiated no force against you. On the other hand, many would say (including many libertarians) that since the situation (of being hunted down for a crime you did not commit) was not of your own making, you are perfectly justified in defending yourself whatever the consequences, and that the responsibility for the death of the innocent lies on the pursuers. (It would surely not have occurred had they not hunted you down; but on the other hand, it would not have occurred either if you had chosen not to defend yourself.) In the same way, there would be division of opinion on whether a person who has been convicted of a crime although innocent of it has the right to break out of prison, regardless of the consequences to the lives of the guards and the other prisoners.

When demonstrators armed with clubs attack police, throw bags of urine and stones at them, and break bottles over their heads, the police rightly retaliate to this initiated force. But scattered amongst the demonstrators are noncombatant bystanders who want no part of the fight but the crowd is so thick that they cannot get out. With the crowds so dense and the attack being carried on all around them, it is impossible for the police to distinguish between the aggressors and the nonaggressors. Should the police desist from retaliating against the demonstrators because there are some nondemonstrators among them? And doesn't one have the right forcibly to stop a mugger in a dark alley who is assaulting not you but somebody else?

In a military situation, should you kill only those enemy soldiers who are directly threatening you? For example, only those who are pointing a gun at you? But of course in modern warfare the enemy is usually unseen and one does not know who the *particular* aggressors are even after the bombs have dropped on you. In such situations, it is often said that since the other nation is at war with yours, every soldier is a threat to you. Perhaps; but does this include all civilians of the enemy nation also? Does it include those who do not support the enemy regime and may even be working to overthrow it? But how do you know who they are? Are you justified in dropping bombs on entire cities of the enemy country, arguing that each one of these individuals is a threat to you, since they are all supporting the enemy war effort in some manner, whether voluntarily or by force? How is it possible in modern warfare for you to retaliate *only* against those who have initiated the use of force against *you*? And how can the "you" be strictly intended, since it would entail that if an enemy soldier has shot your comrade-in-arms and not you you should not kill him because he has not directed his fire specifically at you?

It may be argued that such situations should never arise because war, especially modern war, is so horrible that it should never be engaged in. War is indeed horrible; but nevertheless such situations can arise, and the question becomes what action you are justified in taking if they do arise. And of course they can arise not only in unjust wars: if your country is physically invaded by soldiers of another nation, you are surely justified in defending your life and property—this on your part would be the most just of causes; yet the same questions would arise, as to who constitutes a threat to you, whether civilians are included as well as soldiers, and whether you should take action only when the threat is to you, or whether it is sufficient that your fellow countrymen are the victims.

VI. HOW MUCH RETALIATION SHOULD BE USED? USED?

There is the further question of the degree of retaliation permissible for a given aggression. On this subject, there is vagueness bordering on chaos, and the only principle that seems to be widely accepted is that "the retaliation should be proportional to the offense." Some would say that the proper retaliation for murder is that the murderer himself be killed; others, opposed to capital punishment on principle, say that life imprisonment is the proper punishment; and still others say that it depends on the chances of his becoming rehabilitated and no longer a danger to others. Some, the champions of property rights, would prescribe comparatively severe punishments for various forms of trespass, while others attach no importance to trespass whatever. If a boy steals a watermelon from your melon patch, and you shoot him for theft and trespassing (even if you shoot just to stop him and not to kill), the law will hold you guilty and not him—the principle presumably being that theft is not a sufficiently serious aggression to justify a bullet in retaliation. The law, which has studied cases of all kinds for many centuries, has developed fairly exact distinctions on these issues. For example, you may shoot to death a burglar after he is in your house, but not if he is in your yard; in the house, the law considers it a safe inference on your part that his intentions with regard to your person or property are evil and sufficient grounds for anticipatory retaliation by killing him for what he has not yet done but is presumably about to do.

There are of course endless examples. What is the proper retaliation against someone who commits armed robbery? Unarmed robbery? Copyright violation? Invasion of privacy? Contributory negligence? Nor is there any one set punishment required in each case: much depends upon the circumstances, such as whether there was malicious intent. It cannot be said that libertarians or, for that matter, anyone else has arrived at any clear and defensible criteria for these cases.

Much, of course, depends on one's theory of the function of punishment—and on this issue libertarians have no single theory. Many libertarians, including both Ayn Rand and Murray Rothbard, are retributivists: they believe that punishment should depend on desert, as opposed to utilitarians, who believe that punishment should depend not on what has been done in the past but what will produce the best results in the future, e.g., by way of reformation, deterrence, and protection of others against dangerous criminals. The first might best be called the "deserts" theory and the second the "results" theory; and most people's view of punishment incorporates elements of both: they believe both that an offender

"Libertarians have no single theory as to the function of punishment but I am a retributivist, along with Ayn Rand and Murray Rothbard."

should get the punishment he deserves (whatever that may be) in view of his past offense and that the results of punishing him should be such that the greatest amount of good results and the greatest avoidance of evil. They believe, for example, that punishment for murder should be more severe than for theft, both because murder is a more serious crime and hence deserving of greater punishment *and* because a greater amount of deterrence and protection of others is felt to be needed.[5]

To go into the deserts vs. results controversy here would be impossible; the controversy has raged for centuries, and volumes have been written on it. Since the need for brevity enables me to be dogmatic, let me assert that the deserts theory has much the better case. I would hope that punishment in a particular case would do as much good as possible, by way of deterrence, reformation, and protection; but that is not the reason *why* a person should be punished—he is punished *because* he has committed a crime and should not be punished if he has not committed it, no matter how much good by way of deterrence, etc., punishing him may do. On this, Professor J. D. Mabbott, in his well-known essay "Punishment," is unmistakably clear:

> (1) Suppose it could be shown that a particular criminal had not been improved by a punishment and also that no other would-be criminal had been deterred by it, would that prove that the punishment was unjust? (2) Suppose it were discovered that a particular criminal had lived a much better life after his release and that many would-be criminals believing him to have been guilty were influenced by his fate, but yet that the "criminal" was punished for something he had never done, would these excellent results prove the punishment just?[6]

After the heyday of the "results" theory of punishment in the earlier decades of this century, the "deserts" theory is once again coming into its own. Murray Rothbard, for example, writes:

> The classical argument for punishment of crime is that the purpose is (a) retribution for the criminal's invasion of the victim's rights; and (b) deterrence of future crime by isolating the criminal from other potential victims. And yet, liberals have for decades denounced retribution and the very concept of "punishment" itself as barbaric; instead, they would substitute the idea of "rehabilitating" the criminal so that he would re-enter society as a better person. Superficially more humane, the objective consequence of this liberal humanitarianism, as libertarian psychiatrist, Dr. Thomas Szasz, has pointed out in the case of psychiatric methods of dealing with crime, has been a monstrous and unjustified tyranny over the prisoner.
>
> For example: suppose that a certain crime calls for a punishment of five years in the pokey. The liberal comes along and says: No, this is barbaric punishment; let us not simply give this man five years, let us let him loose when he becomes "rehabilitated," when he becomes a better person. A better person, that is, according to the prison authority, who now is supposed to become a healer, teacher, and ethical guide as well—or, in the case of the psychiatrist, when the prisoner is pronounced psychiatrically "cured." This may mean, of course, that, of the original five-year prisoners, Prisoner A may get turned loose after a few months. But it *also* means that Prisoner B may receive a life sentence, because he has not yet been "rehabilitated." In short, objective law and therefore objective punishment which "fits the crime" and is somehow proportionate to it, gets tossed away, and is replaced by the subjective decisions and whims of the "humanitarian" over lords of the prison system. As a result, some prisoners receive "indeterminate sentences" of inordinate length; and also as a result, the jailers *have* to become the censors of the prisoners' reading, associations, and writing in jail; for how else will they become "rehabilitated"?
>
> In short, the "humanitarian" program of liberalism becomes a far worse—and a far less justified—tyranny over the prisoners, who no longer enjoy the certainty of objective punishment, who must work to please their Big Brother rulers, and whose lives are now permanently at the mercy of their brain-washing authorities?[7]

Professor C. S. Lewis has spoken even more eloquently to the same point:

> . . . [The Humanitarians] are not punishing, not inflicting, only healing. But do not let us be deceived by a name. To be taken without consent from my home and friends; to lose my liberty; to undergo all those assaults on my personality which modern psychotherapy knows how to deliver; to be re-made after some pattern of "normality" hatched in a Viennese laboratory to which I never professed allegiance; to know that this process will never end until either my captors have succeeded or I grown wise enough to cheat them with apparent success—who cares whether

this is called Punishment or not? That it includes most of the elements for which any punishment is feared—shame, exile, bondage, and years eaten by the locust--is obvious. Only enormous ill-desert could justify it; but ill-desert is the very conception which the Humanitarian theory has thrown overboard.

If we turn from the curative to the deterrent justification of punishment, we shall find the new theory even more alarming. When you punish a man *in terrorem*, make of him an "example" to others, you are admittedly using him as a means to an end; someone else's end. This, in itself, would be a very wicked thing to do. On the classical theory of Punishment it was, of course, justified on the ground that the man deserved it. That was assumed to be established before any question of "making him an example" arose. You then, as the saying is, killed two birds with one stone; in the process of giving him what he deserved, you set an example to others. But take away desert and the whole morality of the punishment disappears. Why, in Heaven's name, am I to be sacrificed to the good of society in this way?—unless, of course, I deserve it.

But that is not the worst. If the justification of exemplary punishment is not to be based on desert, but solely on its efficacy as a deterrent, it is not absolutely necessary that the man we punish should even have committed the crime. The deterrent effect demands that the public should draw the moral, "If we do such an act, we shall suffer like that man." The punishment of a man actually guilty whom the public think innocent, will not have the desired effect; the punishment of a man actually innocent will, provided the public think him guilty. But every modern State has powers which make it easy to fake a trial. When a victim is urgently needed for exemplary purposes and a guilty victim cannot be found, all the purposes of deterrence will be equally served by the punishment (call it "cure" if you prefer) of an innocent victim, provided that the public can be cheated into thinking him guilty. It is no use to ask me why I assume that our rulers will be so wicked. The punishment of an innocent, that is, an undeserving man, is wicked only if we grant the traditional view that righteous punishment means *deserved* punishment. Once we have abandoned that criterion, all punishments have to be justified, if at all, on other grounds that have nothing to do with desert. Where the punishment of the innocent can be justified on those grounds (and it could in some cases be justified as a deterrent), it will be no less moral than any other punishment. Any distaste for it on the part of a Humanitarian will be merely a hang-over from the Retributive theory.[8]

Some libertarians, insistent on the non-initiation of force to the point of pacifism, apparently believe that no punishment whatever is justified for any offense under any cricumstances. Part of the reason for this is the belief that no one has the right to do violence to another, even in retaliation. This view seems to me an utter catastrophe: as far as deserts are concerned, it would cut off all connection between action and desert—it would permit the killer to go free and thus put him in the same desert-category as the person who is guiltless; and as far as results are concerned, it would encourage crime and permit psychotic killers to be loose on the streets. (Example: when the Montreal police force went on strike recently, crimes of most kinds quadrupled within a few days.) No society can long survive without some provision for punishment.

Still other libertarians repudiate both the deserts and the results theories of punishment and would substitute another theory, that of *restitution*. I do not deny that restitution to the injured party should, when possible, constitute a part of the aggressor's punishment; but it seems to me most implausible to hold that this constitutes the entire rationale of punishment. 1) In most crimes, restitution is impossible; it is sometimes possible in cases of theft (though usually the thief is too poor to achieve restitution—if he were rich, he usually wouldn't have committed the theft), but it is never possible in the case of murder (you can't bring the dead back to life), or in cases of maiming with loss of a limb, or even in cases of psychological damage, such as the constant fear of being attacked. Indeed, restitution is very seldom achievable. 2) Besides, the degree of restitution required is to a large extent a matter of chance or accident: a man shoots intending to kill you, but he is a bad shot and hits only your ear-lobe, causing very little injury or even pain. The degree of injury suffered by the loss of an ear-lobe is certainly not very great and the restitution theory would say that even if he was maliciously bent on taking your life, he should be held liable only for the extent of the damage inflicted (perhaps less than $100). In fact, guilty intent (*mens rea*) would not matter at all: if the man was a bad shot and while intending to kill you he hit a tree instead, he would be legally quite guiltless or liable only to the extent of damage to the tree. This seems to me a parody of punishment, for it cuts off punishment entirely from desert, often substituting something totally accidental, and almost entirely from results, since the results (e.g., deterrence and protection of others) of letting him go free are much more encompassing than the one result of requiring him to perform restitution for hitting the ear-lobe or the tree. And it would wipe out at one

"Restitution should, when possible, constitute a part of the aggressor's punishment, but it seems implausible to hold that restitution constitutes the entire rationale of punishment."

stroke the legal distinctions carefully built up between murder and manslaughter, and the further distinctions of degree between each of these categories.

VII. WHO SHOULD RETALIATE?

Who should administer the punishment? On this point all limited-government libertarians are in agreement: all punishments for legal offenses should be administered by the state. The individual victim himself is not the proper instrumentality of punishment, for the aggrieved party will usually tend to overestimate the seriousness of the offense against him; and even if he does not, there should be prescribed punishments for each category of crimes, so that a person undertaking to commit a certain offense will know in advance, through the laws of the state or nation, what the punishment (or the range of punishments) for it will be. Indeed, this is according to the limited-government libertarian the *only raison d'etre* of government: to protect individuals against aggression by others, to punish the guilty if an offense has been committed, and to arbitrate decisions in the courts. The aggrieved party may *pardon* his aggressor—that is up to him, and only he can do it if it is done at all—but no one but the state may *punish*; that is the prerogative of the state, and in this matter the individual's private judgment of the proper punishment takes a back seat, giving way to the law of the land as interpreted by the courts. The individual has delegated to the state his "inalienable right of self-defense," and instead of each individual having constantly to go about protecting himself against aggressors, the state assumes this task on his behalf, never initiating aggression against him, but only protecting him against it. On this point Ayn Rand speaks very clearly:

> There is only one basic principle to which an individual must consent if he wishes to live in a free, civilized society: the principle of renouncing the use of physical force and delegating to the government his right of physical self-defense, for the purpose of an orderly, objective, legally defined enforcement. Or, to put it in another way, he must accept *the separation of force and whim* (any whim, including his own).[9]

Let us see what this involves. The individual may not be the judge in his own case; he must submit the case to the law and the courts. Even if he feels the verdict is unjust, he must submit to it, for if he "takes the law into his own hands," he will be guilty of a crime himself. But this is not all—should he be permitted to defend himself at all? Should he, for example be permitted to own and use firearms? One might well say that he should not, for it is the law that must deal with the aggressors and not the aggrieved party himself; so it is then quite plausible to hold that he should not be given the *means* with which to take the law into his own hands (perhaps with his fists, though even here he could be arrested for assault and battery, but not with such a lethal instrument as guns). If the state is empowered to take charge of the disposition of the aggressor, presumably it should also be empowered to take from the individual's hands the means of dealing with the aggressor, so that the state can do it. That is roughly the way the law reads now: if someone attacks you or robs you and you shoot him, you will probably serve a longer sentence for shooting him than he will for the robbery.

Not only this—if the state is our defender, then it must have the means whereby to discharge this function efficiently. It must be able to protect us from the machinations of criminal gangs, such as the Mafia, as well as plots to overthrow the government. And this takes not only time and energy and money, it also takes a good deal of technical expertise (since the gangs and the conspirators have it, the government must have it too in order to fight them). If the state can unseat a plot only by placing a wiretap in the Mafia headquarters, then surely it must be permitted to use the wiretap—otherwise most of the guilty will go free since no conviction against them can be obtained. "You can't expect the government to defend you with one hand tied behind its back."

Now there is something very ugly and insidious about wiretapping and similar procedures; they interfere with one's privacy; they are the typical trappings of a totalitarian state. Liberals and libertarians are inclined to repudiate all use by the government of devices that record your telephone conversations or when placed against the wall of your apartment building render everything said in it audible to listeners a mile away. And yet, if we really expect the government to do the job of protecting, then in view of the technical expertise of the gangs and conspirators, such wholesale repudiation is surely premature. Granted, a government is inclined to become trigger-happy with such devices; granted, it uses such devices now in pursuit of legal crimes which should not be crimes at all, such as getting convictions for offtrack betting and prying into people's sex lives. But suppose now that government uses these devices only to track down crimes that should be crimes, and that our crime laws are rewritten so that most of the things that are now crimes are not so any longer; is there still any objection on the limited-government theory, to using such devices when they do indeed protect

us? Why should the law not avail itself of the best crime-detection devices possible, especially since the criminals themselves are using them? It would seem that if we have a government and if its function is really limited to protection, it is useful and often necessary (however dangerous in its potential) to use such devices.[10]

One final issue concerning the government's "delegated right to use force": our own right to rebel against it. The state exists to protect us against aggression; but what if the state ceases to fulfill this function or fulfills it so inefficiently, and with so much negligence, corruption, bribery and special privilege, that we are in effect unprotected? Don't we then have a right to say, "Sorry, I only agreed to have you around in order to protect me; since you're not doing that, you will please get lost"? Even Hobbes, though he was a totalitarian in the *form* of government which he advocated, held that the sole *function* of government is to establish and sustain the citizens' safety of life and limb; this, he said, is what the government is for, and if the government is no longer doing this, we have the right to rebel against it, for a corrupt and inefficient government jeopardizes the safety of every citizen, sometimes even more than a "state of nature" without any government at all.

There is, of course, a good deal of vagueness about this important point. When exactly is a government "so far gone" in protecting its citizens that one is entitled to attempt its overthrow? There is surely legitimate difference of opinion on this point. It is very easy for people, including libertarians who talk constantly about rebelling against the government, to ignore the cost in human lives of doing it. In any armed rebellion, many innocent people are bound to get killed. You may be quite prepared for your own part to risk death rather than continue to live under the present regime, but do you have a right to make other people take that same risk with *their* lives without their consent, just because *you* think they should be as fed up as you are? Surely, this is paternalism with a vengeance, and exemplifies almost everything that the libertarian is working against. Perhaps their chances of getting killed really are greater if the present government continues; but if they think it is not, by what right can you force your opinion on them by involving them in a revolution? There are many young revolutionaries today, and some libertarians among them, who see countless social injustices around them and are painfully aware of the increasing encroachments of the state upon their lives, who lack the patience to try to remedy the situation from within by changing the law and working "stone by stone" to achieve the enormous task of reeducation of public opinion and would rather just throw the whole edifice overboard and start afresh. Even if the venture failed, it would at least give them a cherished opportunity to engage in aggression without guilt. "I'm tired of all this talk!" I heard a student say at a recent political rally, "I want some action! Why don't they talk about how we can get rid of the U.S. government?" I doubt that the student had any idea what this would involve—thousands killed and injured, property destroyed, civil war, or perhaps that was part of the thrill, besides being a way of getting even with his bourgeois parents for the crime of earning enough money to send him through college. Further, I doubt that he was aware that in most nations of the world he would not be permitted to speak freely as he does here: any incipient conspiracy against the government, or even a few critical sentences dropped in the wrong place, and he would havebeen arrested on the spot. Finally, I doubt that he had any idea of what would replace the present government if he found it overthrown tomorrow; he might well end up with a dictatorship in which anyone who disagreed with the ruling party would be silenced by force. I take quite seriously the label "Maoist" with which many student groups label themselves; it gives me fair warning that if they were in power they would deal with dissenters in the way that Mao did, by the torture-rack and the firing-squad. Yet such is your typical revolutionary (particularly of the "left"); that is why I am suspicious of revolutionaries. When anyone suggests revolution to me, I usually ask him first, "And how many people are you prepared to kill?" Yet I would certainly not want to say that no revolution is justified ever—surely a revolution against Stalin would have been, at least under some circumstances.

It is at this point that libertarians should consider one of Ayn Rand's most profound and far reaching statements: "The lives of others are not yours to dispose of." If I am entitled to do something to you against your will because I think it is best for you, why are not you by the same token entitled to do something to me against my will because you think it is best for me? Promoters of utopias are always disposing of other people's lives by allotting them places in *their* ideal society; and if the victims of these utopias don't like it, well, then they will just have to be forced to conform (for their own good, of course). And it is precisely here that the libertarian ideal is different from *all other* ideal societies, for in the libertarian society nothing will be required of a person that does not have his willing consent, whether in the political or the economic or the personal realm.

Once the libertarian ideal is achieved, no force will be used on anyone. Fine; but how do we get from our present state to that one? By revolution, say our glib society-changers. But this inevitably involves the extensive loss of life by many people who would prefer to have taken their chances with the establishment, much as they may have disliked some of its aspects. And how do we square this with Ayn Rand's precept which ought to be Libertarian Precept No. 1,

"Once the libertarian ideal is achieved, no force will be used on anyone—the problem is how to get to that state."

"Each man is the owner of his own life and of no others," and its corollary, "The lives of others are not yours to dispose of"? I have no right to impose my will on you or unwillingly involve you in my cause. And if someone says that the cause is a noble one, we can remind him of Ayn Rand's words:

> . . . the next time you encounter one of these "public-spirited" dreamers who tells you that some very desirable goals cannot be achieved without *everybody's* participation, tell him that if he cannot obtain everybody's *voluntary* participation, his goals had jolly well better remain unachieved—and that men's lives are not his to dispose of.[11]

But at this point the enemy of all government, specifically the no-government libertarian, will object that all these arguments are nothing to the purpose because they contain one fatal flaw. "The source of the government's authority," writes Ayn Rand, "is the consent of the governed."[12] And, repeating, "there is only one basic principle to which an individual must consent if he wishes to live in a free, civilized society; the principle of renouncing the use of physical force and delegating to the government his right of physical self-defense." He will say, "But I have never delegated and I never consented! Maybe, when our republic was founded (though even that isn't really true), the majority did, via the vote; but I didn't. In fact, I don't even remember being asked! It's not that I wouldn't have consented if I *had* been asked, for I am certainly as anxious as the next fellow to have the job of self-defense taken off my hands. But the simple point is nevertheless that I never was asked and I certainly never gave my consent. So don't please saddle me with a consent which I never gave." And at this point he will remind us that according to libertarian doctrine, in any cooperative activity among men, the unanimous consent of all parties is required, and if it is not, to that extent their rights are abridged.

I never consented to having a government, not even a libertarian government. Where do we go from there? To our objector, the next step is clear: no government at all; or if a government is formed those who have not consented to it should not be bound by it. What happens to self-defence without a government? I may take it into my own hands if I wish; or I may buy the services of a privately owned defense agency whose paid job it is to protect my life and property. In neither case am I under the control of any law, for if I protect myself by shooting the boy who steals watermelons or machine-gunning the person who looks at me in the wrong way (or any other whim), there is no law to stop me; and if I subscribe to a defense agency, I shall certainly not subscribe to one which ever arrests *me* (I pay to be protected, not to be arrested), and if a member of somebody else's defense agency arrests me I shall say to him, "I never consented to be governed by *you*! By what right do you lay your hands on me?"

And so we have a dilemma: a) if no one ever has the right to arrest me, no matter what I do, because I haven't consented to it, then every marauder and every murderer can escape scot-free; b) but if, as most no-government libertarians (Tannehill, Rothbard) claim, the members of other defense agencies *do* have a right to arrest me, then we have the problem of consent with us once more, for I never contracted with the other defense agencies, and I never consented to *their* actions, or even to their very existence, any more than I did to the government.

Few libertarian anarchists seem to be aware of this dilemma; they seem to believe that once they have got rid of government, the problem of consent will have been successfully disposed of. But if it is true that they never consented to the existence of the government, it is equally true that they never consented to the existence of the other defense agencies either; and if consent to the institution in question is required before actions such as arrest and punishment are permissible, then this principle applies equally whether those engaging in the arrest and punishment be the defense agencies or the government.

NOTES AND REFERENCES

[4] One variant of the retributive theory is surely mistaken, the view that the punishment should in some way be a "mirror image" of the crime. Thus, the only proper punishment for killing (according to this view) is that the killer should himself be killed. But if the proper punishment for stealing $100 is that the thief should have $100 taken from him, he would never be the loser: if he is punished he surrenders only the money he took, and if he is not caught he keeps the $100. And if being killed is the proper punishment for killing, what is the proper punishment for rape?

[5] See John Hospers, *HUMAN CONDUCT*, last section of Chapter 9, "Justice," (Harcourt Brace Jovanovich, 1961; paperback edition, 1972).

[6] J. D. Mabbott, "Punishment," on p. 41 in Frederick A. Olafson (ed.), *JUSTICE AND SOCIAL POLICY* (Prentice-Hall paperback, 1971, originally published in *MIND*, Vol. 49, 1939).

[7] Murray Rothbard, "Attica," *THE LIBERTARIAN FORUM*, October 1971, p. 7.

[8] C. S. Lewis, "The Humanitarian Theory of Punishment," on pp. 648-49 in Wilfrid Sellars and John Hospers (eds.), *READINGS IN ETHICAL THEORY*, (Appleton-Century-Crofts, 2nd edition, 1971, originally published in *RES JUDICATAE*, VI, 1953, pp. 224-230).

[9] Ayn Rand, "The Nature of Government," in *THE VIRTUE OF SELFISHNESS*, (New American Library, 1964), p. 110.

[10] It is interesting to observe in this connection that the enforcers of the law must operate at a great disadvantage. A prisoner may have been arrested for a crime, and there may be no doubt of his guilt, yet if any of the evidence has been illegally obtained the case is thrown out of court. Since the defendants know this, the commission of further crimes is thereby encouraged. In most countries of Europe, any relevant evidence is considered by the court, *no matter how* it was obtained. The policeman may receive a penalty for obtaining it illegally, and he may be fined or dropped from the force for doing so; but once it is obtained, by whatever means, it can be introduced as evidence. It is considered more important to get all the evidence on who is guilty, so as to arrive at the right verdict, than to forego the right verdict by throwing out all evidence that was not obtained in the prescribed manner. It all depends on what you consider the more important: getting the right verdict, or getting a verdict which has less chance of being right because you are limited to a certain means of getting it. The case is surely not as open-and-shut as some libertarians have made out.

[11] Ayn Rand, "Collectivized Ethics," in *THE VIRTUE OF SELFISHNESS*, pp. 84-85.

[12] Ayn Rand, "The Nature of Government," in *THE VIRTUE OF SELFISHNESS*, p. 110.

Erratum: A typographical error appeared in Part 1 of Professor Hospers' article. At page 16, col. 2, line 8, "now" was erroneously printed as "not."

NO POTENTIAL?

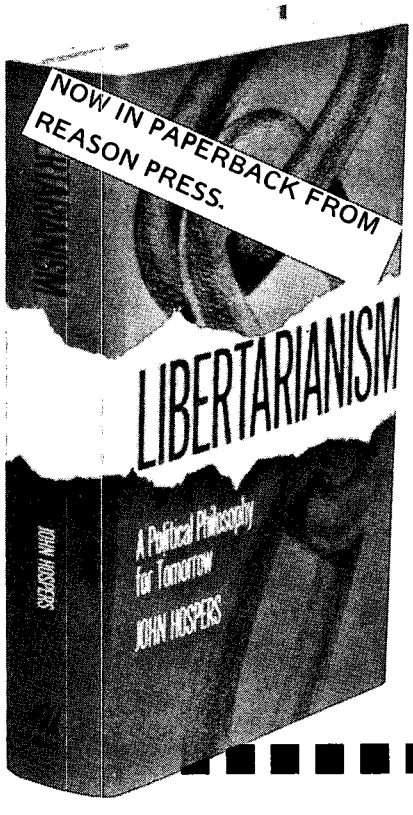
You and I, my friend,
if more than friends
would be

flint and steel
spark and powder
sun and sky
wind and tree —

incandescent,
pain to see,
irridescent —
you and me.

Emilia Nordtvedt

The case for "the idea whose time has come" . . .



LIBERTARIANISM

BY JOHN HOSPERS, PH.D., DIRECTOR, SCHOOL OF PHILOSOPHY
UNIVERSITY OF SOUTHERN CALIFORNIA

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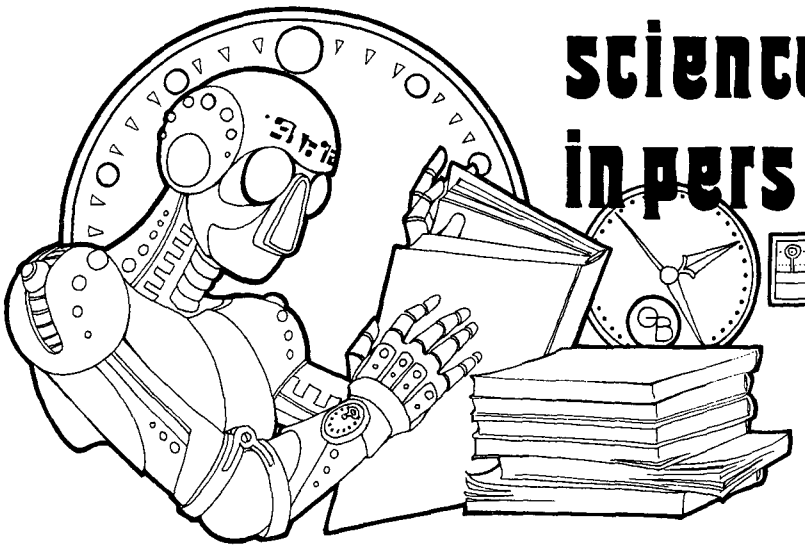

science fiction in perspective

John J. Pierce

What is this thing called science fiction?

Even science fiction writers can't agree. Few subjects arouse as much discussion with as little resolution as the exact definition of a literary genre that has been a visible phenomenon for the last 50 years. Or 100 years ago, or 2,000—they can't agree on that, either.

Part of the trouble arises from science fiction's origins. Unlike detective fiction, consciously invented by Edgar Allan Poe in "The Murders in the Rue Morgue," science fiction did not spring full grown from the brows of Jove. Rather, it evolved gradually from elements of the travel tale, "fantastic" fiction and utopias.

Science fiction became a distinct genre only by degrees, much as mammals evolved from reptiles. By the time anyone tried to give it an intellectual rationale, much of the classification was by hindsight. And efforts to create definitions that would encompass predecessors, transitional stages and borderline cases were as futile as would be attempts to define reptiles, mammals—and platypi—as one category.

PULP OR SERIOUS

Another factor is the recent interest in science fiction on the part of literary critics. What was once popular fiction, often derided as "pulp trash" devoid of intellectual content, is now being promoted as "serious literature"—subject to the condition it conform to current preconceptions of "literary" values. A great deal of soul-searching is going on among those who have most to do with shaping the future of science fiction, and some reject definitions in order to encourage imitation of "mainstream" fiction in the guise of science fiction.

Readers tend to assume that "literary" values are well-established, and imagine rows of bookshelves filled with "classics" from Homer on. Yet critical fashions come and go, and Literature actually consists of works that have survived all such changes in fashion.

Most "literary criticism" seems more ideological than literary. Each generation or movement of critics sets up arbitrary standards for the *content* of Literature—proper subjects, proper attitudes for authors to take towards them—and judges works of fiction by their conformance to those extra-literary standards.

Consider the case of Henrik Ibsen. His plays were damned as degenerate by one generation of critics, hailed as revolutionary by another, dismissed as anachronisms by yet another. Today they are grudgingly accepted as pioneering. Yet through it all, audiences have been moved by them. Perhaps that is the only true test.

C.S. Lewis proposed a new standard of criticism that does much to clear the air, long clouded by successive attempts to judge literature by standards of Victorian morality, Marxist dialectics, Freudian psychology and other constructs. Why not, he asked, in "An Experiment in Criticism," evaluate fiction by the kind of reading it invites?

ESTHETIC VALUES

Lewis distinguished between the reading of the "unliterary," who care nothing about esthetic values, and that of the "literary," who do. The "literary" love reading for its own sake, and take it seriously: "The first reading of some literary work is often, to the literary, an experience so momentous that only experiences of love, religion, or bereavement can furnish a standard of comparison."[1]

Such readers can respond, and respond again on re-reading, only to an esthetic power inherent in the work—what science fiction writer Lester del Rey calls *passion:*

"The foremost requirement of art is passion—not compassion, which is a poor, condescending thing, but a burning passion of some kind which affords an inner illumination. This passion must not only go into the work, *it must come out,* to affect the reader and evoke a strong emotional or intellectual response."[2]

Subject and treatment are not the criterion of literary merit, del Rey stresses. "The ability to *transfer* passion through his medium is the unique and subtle skill of the artist. Without it, intent means nothing. A bad artist is not an artist at all, but a self-deceiving fool."[3]

All fiction is vicarious experience—this applies equally to plot, characterization, theme, setting, mood and other elements. Lewis suggests persuasively that the need

for such experience is the primary motivation for reading literature at all:

"We want to see with other eyes, to imagine with other imaginations, to feel' with other hearts, as well as with our own. We are not content to be Leibnitzian monads. We demand windows, Literature as Logos is a series of windows, even of doors. One of the things we feel after reading a great work is, 'I have got out.' Or from another point of view, 'I have got in;' pierced the shell of some other monad and discovered what it is like inside."[4]

FICTION AS LITERATURE

We must keep in mind that *any* kind of fiction *can be literature—it all depends on* how well it is written. For much of the soul-searching in science fiction circles nowadays is based on the false premise that science fiction is mere "genre" fiction, as opposed to "real" literature—that conforming to current ideological standards of subject and treatment.

Yet much "classic" literature is genre fiction, although it may not usually be thought of as such. *WUTHERING HEIGHTS* is a love story, *CRIME AND PUNISHMENT* a detective story, *THE CRUEL SEA* a war novel, *THE OX BOW INCIDENT* a western, and so on.

Science fiction, then, is as legitimate as any other kind of fiction, and so are its literary possibilities. Most science fiction isn't great literature, but neither is most of anything else. This having been made clear, let us look at science fiction in terms of the kind of experience it deals with.

The imagined experiences in science fiction are those which have not happened yet, but might—given certain altered conditions in our physical and/or social environment that, without the present or future inventions or discoveries of science, would be either impossible or unimaginable.

Science fiction, thematically, is the literature of man in relation to change, and its emphasis thus contrasts sharply with that of mainstream fiction. E.M. Forster, for example, thought literature must be something static, even if the human condition might be something changeable in the long run. Writing in 1927, he argued:

"We may harness the atom, we may land on the moon, we may abolish or intensify warfare, the mental processes of animals may be understood; but all these are trifles, they belong to history not to art. History develops, art stands still."[5]

What Forster meant was that novelists of the future would always be writing about the same constants—birth and death, love and hate—as those of the past and present. In a sense, he may be right—human nature changes slowly, if at all. Yet how can we be sure? And in any case, his argument is irrelevant to science fiction.

CONSTANT CHANGE

For new experience we shall have, even if we also retain the old. Just as a limited number of elements may produce an unlimited number of compounds, so basic human emotions and motivations will be tested and find expression in *entirely new situations. Change has* become a constant factor in our existence—perhaps the most important one.

It was not always thus. The world may always have changed, but in the past so slowly as to be little noticed. Medieval *man imagined Roman times as a back*wards projection of medievalism (see Avram Davidson's fantasy on this subject, "The Phoenix and the Mirror"); the future he regarded as a forwards projection of the same—until the Second Coming.

Science fiction in the true sense did not *emerge until the beginning of the* 19th Century, when scientific and technological change began to have a major impact on man and society. True, there were elements of scientific speculation in satirical and utopian works centuries earlier—but only as subordinate elements. To call *GULLIVER'S TRAVELS* science fiction is as off the mark, albeit as plausible, as to call *HAMLET* a detective story.

As Robin Scott Wilson put it, "Swift didn't believe in science and technology, although it was growing up all about him; didn't believe that change in any significant dimension was occuring or could occur."[6] Early science fiction works—Mary Shelley's *FRANKENSTEIN,* Poe's "Hans Phaall"—retained trappings of gothic horror, satire, and so on. But with Jules Verne *(FROM THE EARTH TO THE MOON)* and his successors, the experience of scientific and technological change came to be recognized as a subject worthy in itself of literary treatment.

Science fiction's preoccupation with man in relation to change dictates its approach to plot, theme, characterization and every other element of fiction. For while a future world may have familiar experiences in store as well as novel ones, there is no point in writing a futuristic story to communicate experiences that could be conveyed just as well by contemporary scene fiction.

In "The Roads Must Roll," for example, Robert A. Heinlein postulates a future America dependent on a nationwide system of moving roadways. The plot involves a crisis in the operation of those roadways, and the theme is the increasing vulnerability of a complex technological society to the demands of small groups of essential personnel. No doubt a lot of people in the same future world are eating, sleeping, making love, arguing with relatives and so on—just as they do today. But they have nothing to do with the situation on which a science fiction story depends.

INSIGHTS

Psychological insights are valued in literature. But in science fiction, these are not ordinary textbook examples, but insights into new situations—the psychological consequences of cloning (Ursula LeGuin's "Nine Lives"), the psychology of symbiotic relationships (Cordwainer Smith's "The Game of Rat and Dragon"), or the possibility of entire alien psychologies (Stanley G. Weinbaum's "A Martian Odyssey").

Social issues in science fiction are likewise dynamic and speculative, rather than static and analytical. How could society go wrong if certain trends continue (Frederik Pohl and C.M. Kornbluth's *THE SPACE MERCHANTS*)? Or if latent ideas find expression (Aldous Huxley's *BRAVE NEW WORLD*)? What might be the impact of a major new discovery, say a life-extension drug, on society (John Wyndham's *TROUBLE WITH LICHEN*)? Could altering the course of social evolution become an applied science (Isaac Asimov's *FOUNDATION* trilogy)?

Science fiction is essentially a romantic literature, within the parameters set by Ayn Rand for the romantic school as one "based on the recognition of the principle that man possesses the faculty of volition."[7] There are exceptions—Anthony Burgess' *A CLOCKWORD ORANGE* is an example of a naturalistic science fiction novel. But in general, science fiction holds that "man can change himself and his environment."[8]

But in keeping with its thematic material, the romantic imagination in science fiction is something unprecedented elsewhere. If classical tragedy can be compared to a chess game, in which the human pieces are moved about according to their fated roles, the metaphysical

romanticism of mainstream fiction—from Goethe to Rand—is comparable to a similar game in which the pieces have volition, but within the limits of the same board. Science fiction, by contrast, is comparable to fairy chess—in which human pieces have new powers, move on altered boards and can change the rules in the middle of the game.

Science fiction demands intelligence and adaptability, both of its heroes and of its readers. It can be a fascinating intellectual game, even when it lacks literary pretensions. In fact, it is the most intellectual sort of fiction being written today, for it deals seriously with vital issues about the future of mankind.

Yet it can also be a literary experience. Just as Agatha Christie and Dorothy L. Sayers conceive equally ingenious mystery plots, but Sayers' novels infuse them with the values of literature, so too do the best science fiction writers convey artistic passion while sacrificing none of the genre's thematic essentials.

Science fiction has even evolved its own philosophy about man and the universe—but more on that anon. ◻

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[1] Lewis, C.S. "An Experiment in Criticism," Cambridge University Press, 1961, p.3.

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[3] *Ibid.*

[4] Lewis, *op. cit.,* pp.137-8.

[5] Forster, E.M., "Aspects of the Novel," Harcourt, Brace & World, 1927, pp.171-2.

[6] Wilson, Robin Scott, in introduction to "Wondermakers," a science fiction anthology edited by Robert Hoskins, Fawcett Publications, 1972, p.10.

[7] Rand, Ayn, "The Romantic Manifesto," World Publishing Co., 1969, p.81.

[8] Widely attributed to Damon Knight; original source unknown.

movies

REVIEWED BY CHARLES BARR

• For the second time this year, Hollywood has produced a new superstar. The first was Liza Minnelli in *CABARET;* now it's Diana Ross in an intense, moving portrayal of jazz singer Billie Holiday in **LADY SINGS THE BLUES.** It is chiefly her performance which enables this movie to transcend classification as a show business biography or a "new wave" black movie. It is an unforgettable experience, and in many ways an exciting and frightening one. The joy of watching Billie Holiday struggle and succeed against enormous odds as a black singer in a white man's world, is matched by the horror of seeing her gradually succumb to heroin addiction. The role of Billie Holiday is a demanding one, but Diana Ross performs as if she had been born to it. Certain scenes stand out: her first audition at a cheap night club, incongruous in its combination of awkward dancing and beautiful singing; her shock at the sight of a lynching in the South, and her defiance while trapped in the middle of a Ku Klux Klan parade; her uncontrollable jerking and the glazed, dead look in her eyes after a shot of heroin; her degradation in a padded cell after being arrested on narcotics charges; the triumph of her opening in Carnegie Hall. The script is not always faithful to the facts, but Diana's openness and emotional fire give a sense of reality that is rarely achieved in films. Fine supporting performances are given by Billy Dee Williams, Richard Pryor, Ned Glass, Sid Melton and several others. The script and direction are good enough to sustain the movie's 2 hour, 24 minute length. But *LADY SINGS THE BLUES* owes most of its vitality to Diana Ross, and her performance alone is worth the price of admission. Rated "R".

• **THE GREAT WALTZ,** a movie biography of Johann Strauss, features sumptuous settings, gorgeous costumes and a few superior performances. Unfortunately, it is a "family" film, which translates in this case to a kiddie-level script, replete with melodrama and cliches. Particularly jarring is the intrusion, at various points, of appended lyrics to several Strauss waltzes, to aid in the exposition. This device carries one back to the 1950's and beyond. Horst Bucholz portrays Johann Strauss (the son, not the father) as talented, ambitious, carefree and somewhat of a heel. His role makes up in breadth what it lacks in depth. Though only a supporting player, Mary Costa actually gives a somewhat better performance as his wife. Rossano Brazzi is trapped in the thankless role of a jilted lover, but manages to deliver his inane lines with some feeling. Some of the early scenes, especially the conflicts between Strauss' father, his mother and himself, have a robust, larger-than-life style that is missing from the rest of the film. Andrew Stone directed his own script, and the resulting movie at times looks like a stylized documentary. If he had probed a little deeper into the characters, and created more imaginative and original dialogue, Stone could have produced a more serious documentary without sacrificing the "family" appeal. As it stands, *THE GREAT WALTZ* contains some fine musical and visual sequences, and little else of consequence in between. Rated "G".

• If you can overlook some of the more obvious plot mechanics, you'll probably enjoy the new offbeat crime drama **THEY ONLY KILL THEIR MASTERS.** The movie deals with a simple question: Did Murphy kill Mrs. Campbell near her lonely beach house? Murphy knows, but he isn't saying—which is understandable, since Murphy is a dog, a big Doberman. This being the case, it is James Garner, as the harassed, underpaid and underequipped small town chief of police who must unravel the mystery. He is aided by Katharine Ross, fetching as ever, and Harry Guardino, a former classmate who is now the overpaid, overequipped sheriff of the county. James Garner plays a somewhat more serious role in this movie than in his recent television series *NICHOLS,* and his acting is noticably better—though the film has its fair share of the droll, ironic humor which has become his trademark in recent years. The pace is reasonably fast, and there are plenty of leads, true and false, to keep mystery buffs on their toes. Action scenes include a fire, a chase and several fights. An unusually high number of cameo appearances dot the film, including Edmond O'Brien as a garrulous liquor store owner, Peter Lawford as a rich jet-setter (which must be an easy role for him), Arthur O'Connell as a restaurant manager, and June Allyson almost unrecognizable as the veterinarian's aging wife. Hal Holbrook delivers a fine supporting performance as the veterinarian who keeps one dog too many alive. And Murphy's acting is a credit to his pedigree. Rated "PG".

libertarian party correspondent—

The month prior to election time was a busy one for the Libertarian Party candidates and political activists. Besides the campaigning for local and U.S. Congressional races, Dr. Hospers and Mrs. Nathan were going at a feverish pace as the party grew in size and continued to put new ideas into action.

Mrs. Nathan made a nationwide tour that lasted over two weeks and carried her from coast to coast. Besides the amount of newspaper, radio and television coverage she received, she was able to speak to large gatherings on campuses and address several libertarian groups to communicate ideas and information on the growth of the libertarian movement.

Perhaps the greatest benefit of her tour is still to come, for in Houston she attended a convention of the Women's Professional Society for four days and made many contacts in the news media. She was thus able to give in-depth exposure of libertarian ideas to potentially influential people.

While Mrs. Nathan was on her nationwide tour, Dr. Hospers was touring the west coast working to build a momentum to accelerate the Libertarian Party's growth.

The second weekend in October he spent in the San Francisco Bay area, where he spoke on two campuses, and received coverage in several Bay area newspapers as well as the major radio and TV stations.

Hospers

On October 20, Dr. Hospers travelled to San Diego and Phoenix and was instrumental in finally getting these areas active. Once again the news media was responsive in both places.

The next week Dr. Hospers travelled to Monterey, Seattle and Portland. In Seattle he was joined by Mrs. Nathan as they both campaigned in the only other state the Libertarian Party was on the ballot. (Colorado is the other.)

While Dr. Hospers campaigned almost exclusively in Seattle, Mrs. Nathan went to other cities in Washington in addition to Seattle in an attempt to stir voter interest.

During the first weekend in November Dr. Hospers spent time in Los Angeles speaking at UCLA and a rally for Manny Klausner. During the last few weeks prior to elections Manny became very active and spoke at several campuses in addition to spurring on grass-roots efforts in California.

Klausner

Mrs. Nathan did some last minute campaigning in Portland and Eugene in preparation for Tuesday.

Nathan

When the big night finally arrived on November 7, the Libertarian Party celebrated with a campaign party at the Hilton in Los Angeles, which was attended by over 200 libertarians, all

but a few from California. Dr. Hospers, Tonie Nathan, Manny Klausner, Ed Clark (the national Libertarian Party Vice Chairman), and other local party officers were present to celebrate and celebrate we did for we had accomplished much, not politically of course, but in a much deeper and unexpected way. But this is a separate issue and will be discussed later.

Politically, here is how the libertarian Party candidates fared:

NEW YORK: Although Gary Greenberg, running for U.S. Congress, and Walter Block, seeking a state assembly seat, received enough signatures to be placed on the ballot, a judge ruled that the Free Libertarian Party allegedly did not meet the filing deadline and no names could be placed on the ballot. The issue is quite involved, but it appears to be a case of placing obstacles in the Libertarian Party's path for nonvalid reasons. So New York members got a taste of political hanky-panky and are much the wiser now. Far from being discouraged, they know that their tactics must be

altered for future action and eventual success, which they now know they can achieve.

ILLINOIS: Paul Stout, running as a Congressional candidate, received much the same treatment. The elections board ruled enough signatures on the petition invalid and he was not placed on the ballot. The appeal was held up in court until it was too late to get him on the ballot. The ruling in this case also clearly violated the election laws.

COLORADO: The Libertarian Party was on the ballot in Colorado and the Hospers-Nathan ticket received 1,080 votes with 95% of the votes counted. So a fair projection would be about 1,100 votes.

Pipp Boyles, running for U.S. Congress, received 1,980 votes with 95% of the votes counted or about 1-½% of the votes cast.

Hugh Futch, campaigning for state legislature, received 237 votes, or 1-½% for that district.

There were seven minor parties on the presidential ballot and the Libertarian Party placed fourth.

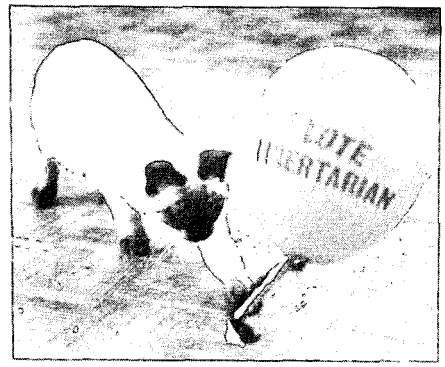
WASHINGTON: With 40% of the vote in, the Hospers-Nathan vote count was 700 and a projection on this basis would be about 1,800. Each voter had received the voter's pamphlet detailing the candidates and their ideas. The Libertarian Party portion had the statement of principles and a picture of Dr. Hospers and Mrs. Nathan.

With six minor parties on the Washington ballot, the Libertarian Party came in third.

IDAHO: Steven Symms, a libertarian, had decided to run for office in the 1st U.S. Congressional District in Idaho on the Republican Party ticket. He won the Republican primary campaigning with Libertarian Party literature and on November 7 captured 55% of the vote. Thus, we now have a libertarian in the U.S. Congress. It will be interesting to watch Mr. Symms in the future.

Thus ended the first Libertarian Party campaign. What did it accomplish? Much, in a way that was as startling and unexpected as it was predictable and revealing.

BILL SUSEL



reason profile

" . . . it is clear that if one would change the society in which he lives, in some major way, there must first occur a change in the philosophical position of key intellectual leaders. This will then bear fruit in its time. There is no other way. All history confirms this." Thus does the Institute for Humane Studies (1134 Crane St., Menlo Park, CA 94025) express the basic paradigm that governs its work. And its work is impressive—since its founding in 1961 it has been the leading center for libertarian-oriented basic research in the humanities and social sciences, publishing a large number of books and articles, sponsoring scholarly conferences, and providing fellowships and opportunities for research to students in such areas as historical revisionism, international economic problems, social conflict, property rights, and law and political theory.

The Institute was conceived and initially developed by Dr. F.A. Harper, currently its president and director. Born in 1905, Dr. Harper received his B.S. from Michigan State University in 1926, and his Ph.D. from Cornell University in 1932. He was Assistant Professor of Marketing at Cornell in 1934-35, Acting Head of the Department of Agricultural Economics at the U. of Puerto Rico in 1937, and Professor of Marketing at Cornell from 1935-46. From 1946-58 he was economist for the Foundation for Economic Education and was then a researcher for the William Volker Fund.

Among the many honors bestowed upon Dr. Harper are Life Fellow, American Association for the Advancement of Science, membership in the Mont Pelerin Society, listing in *INTERNATIONAL WHO'S WHO* and *WHO'S WHO IN AMERICA,* and membership in the California Academy of Sciences. A list of publications authored by Dr. Harper would run to several pages and would include his widely acclaimed "Inflation and Price Controls"(1968).

Dr. Harper's family includes his wife of 42 years, Marguerite, and four grown children. Dr. Harper's hobbies are few, in the usual sense, "because I find libertarian work such a pleasure that it amounts to almost constant 'recreation'." His interests include his "family and other friends, experimental plant-life culture, and all sorts of intellectual attractions as they constantly arise . . . such as philosophy, intellectual history (especially science) and current developments in what is commonly called 'creative thinking'." A modest man, Dr. Harper works very hard for the advancement of libertarian concepts, and the continued success of the Institute for Humane Studies is a tribute to the dedication he and his associates are bringing to the cause of liberty.

HOLLOW VICTORY ON BANK SECRECY

Although hailed as a victory by both the American Bankers Association (ABA) and the American Civil Liberties Union (ACLU), the U.S. District Court decision on the Bank Secrecy Act of 1970 was something less than a libertarian triumph. The Act, public law 91-508, was to have gone into effect on 1 July, but was held up by a temporary restraining order while the ABA/ACLU suit was in process. In brief, the law would have required:

(1) that banks microfilm all customers' checks, deposit slips, and other account records, and keep them on file for two years.

(2) that they notify the Treasury Department of all overseas transactions by individuals that exceed $5000, and

(3) that they keep federal authorities informed of all "unusual" cash deposits or withdrawals—defined (for the present) as those over $10,000.

What the court ruled, in a 2-1 decision on 11 September, was that the *third* of these provisions is unconstitutional since it would "unreasonably invade the right of privacy protected by the Bill of Rights." However, it let stand *both* the microfilming requirement *and* the foreign transactions reporting. The dissenting judge, Oliver D. Hamlin, rightly pointed out that he could see no difference between provisions covering domestic and foreign accounts. (Hamlin favored the entire act, however!)

The implication of all this is clear; despite the hollow ACLU and ABA victory statements, the fact is that in the U.S. "there is simply no right of privacy for bank customers," as the government attorney on the case put it. The microfilming provisions are particularly chilling, in view of FBI and IRS access to bank records. According to columnist Jack Anderson, the FBI obtains "informal" access—without benefit of subpoena—to bank accounts of political dissidents. Anderson last summer gave the Senate Banking Committee FBI memos on the bank accounts of Jane Fonda, Benjamin Spock, and Floyd McKissick, to prove his point. The IRS follows more "official" procedures; IRS agents carry "pocket subpoenas" which they fill out on the spot when they want access to a taxpayer's bank records.

Fortunately, despite the premature victory notices, both sides in the case planned to file further motions, and the ABA/ACLU will ask the judges to reconsider the record-keeping provisions. As California Bankers Association lawyer Phil Diamond put it, "We don't want to accumulate that kind of information for the government."

SOURCES:

"Bank Accounts: Confidential or an Open Book?" Robert E. Wood, *LOS ANGELES TIMES,* 22 June 1971.

"Court Delays Enforcement of Secrecy Act," UPI (San Francisco), 2 July 1972.

"Anderson Discloses Alleged FBI Memos on Private Bank Accounts," UPI (Washington), 15 August 1972.

"Court Overturns Law Allowing U.S. to Check Bank Accounts," John Getze, *LOS ANGELES TIMES,* 12 September 1972.

URBAN DYNAMICS UNDERWAY IN LOWELL

Faced with the glum certainty that programs to "help" the cities were doing little but wallpaper bureaucrats' halls with charts and diagrams, the Department of Housing and Urban Development (HUD) this spring approved a grant to test a bright, new approach to limit urban decay.

The approach, a drastic reversal of previous urban strategies, calls for an end to publicly-subsidized housing, limitation of welfare expenditures, and sharp tax relief for urban-based industry. Known as "Urban Dynamics" after the book written by MIT professor Jay Forrester, it argues that all *governmental* attempts to improve the lot of the under- and unemployed are doomed, as they serve only to attract more individuals to be subsidized, drive up the tax rate, and drive out productive enterprises.

As an answer to such counter-productive policies, Forrester wrote that urban planners should stop creating plentiful low-income housing and simultaneously grant tax incentives to industry locating in low-income areas, to improve the upward mobility of the "underemployed."

Chip Schroeder, a staff member of Forrester's Urban Dynamics team, told *REASON* in August that HUD's grant of $500,000 will provide backing for a 3-year effort to acquaint officials of Lowell, Massachusetts, with the Urban Dynamics approach. He said that effort, underway since the beginning of summer, has overcome initially hostile or skeptical responses from both HUD planners and Lowell officials, to the point where public housing projects now underway are being strongly questioned.

The city manager, James Sullivan, is a particularly strong backer of the Urban Dynamics strategy, Schroeder said.

The first two years of the project will be spent largely on research to refine Forrester's computer model of the urban system. The third year will emphasize a continuing orientation among Lowell officials towards the Urban Dynamics approach.

Lowell was chosen as a near-ideal test-site because of its moderate size (100,000), shrinking industrial base, and extremely high unemployment rate (over 10%).

SOURCE:

Interview with Chip Schroeder, MIT Sloan School of Management, conducted by *REASON* contributing editor Mark Frazier.

FREEDOM FOR BROADCASTING

Prominent members of the communications industry finally seem to be joining Walter Cronkite in speaking out against government control of broadcasting as a violation of freedom of the press. In June 1972 Wes Gallagher, president and general manager of the Associated Press, called on members of both the broadcast and the print media to work toward eliminating government interference with broadcasting. Speaking to the opening session of the Associated Press Broadcasters Convention in Chicago, Gallagher noted that "We need to organize to tell the people *they'll* lose if we lose freedom of the press." This issue, he said, is "the most important thing we have to contend with." Gallagher's speech was paralleled by a major article in the *WASHINGTON POST* by broadcast critic Steve Knoll, calling for full-fledged

First Amendment protection for the "electronic press."

In September Eugene Pulliam, publisher of the *ARIZONA REPUBLIC, PHOENIX GAZETTE, and the INDIANAPOLIS STAR* and *NEWS,* published a front-page Sunday editorial calling for freedom for radio and television. Although Pulliam has no broadcasting interests, he called on newspapers to fight government controls because television's hands are tied by government restrictions. Unless Congress acts decisively to remove existing controls, Pulliam predicted, the government will take over radio and television in a few years. The result would be a single broadcast system, "operated, programmed—in short, completely dominated—by an elite group of Washington bureaucrats." As evidence of the worsening trend of controls, Pulliam cited recent court decisions forcing broadcasters to air "counter-commercials" by anti-pollution groups, an FCC proposal to require two hours of free daily children's TV programming, demands that station licenses not be renewed because of program content, and the rulings prohibiting cigarette advertising.

Most recently NBC president Julian Goodman joined the critics of the FCC's "Fairness Doctrine." Speaking to the Great Issues Forum at the University of Southern California, Goodman called for the *elimination* of the Fairness Doctrine to protect broadcasting from being "contaminated at the source by government intrusion." Already, he noted, the wall that should exist between government and journalism has been breached, giving us "regulated broadcast news . . . government-controlled broadcast information." Goodman rightly pointed out that a *voluntary* fairness policy of presenting contrasting views on controversial issues was just normal, responsible journalism. "But when it becomes a *government* standard," he pointed out, "it moves government officials into newsrooms and seats them as judges of how broadcast news and information should be presented."

Hopefully it won't be long before such journalists realize that the only way to remove government control of broadcasting is to return ownership of the frequency spectrum to private enterprise, ending the fiction that the "airwaves" are a "public good."

SOURCES:

(Untitled), Associated Press (Chicago), 2 June 1972.

"First Amendment: Why Should TV Be Excluded?" Steve Knoll, *LOS ANGELES TIMES,* 4 June 1972 (reprinted from the *WASHINGTON POST*).

"Arizona Publisher Fears Government Control of TV," Associated Press (Phoenix), 10 September 1972.

"Fairness Doctrine on Broadcast News Hit," *LOS ANGELES TIMES,* 12 October 1972.

GUARANTEED ANNUAL STAGNATION

Columnist Kevin Phillips recently described an interesting and important case study in the use and misuse of history by those in power. The object of the case was the history of 19th-century English attempts to guarantee poor people a minimum income.

In 1795 the town of Speenhamland in southern England became the site of the first English experiment with large-scale, systematic welfare, as a matter of *right*. The basic plan was to give poor people subsidies in addition to their wages, to assure them a minimum income regardless of earnings. This "Speenhamland System" spread rapidly to other parts of rural England and remained in effect for 40 years—until 1834, when it collapsed entirely.

French philosopher Alexis de Tocqueville analyzed the experiment, after observing that England in 1835, despite being the world's richest nation, also had the greatest percentage of poor people. In his "Essay on Pauperism," de Toqueville suggested that England's affluence had engendered guilt, which had led to the welfare subsidies. The subsidies then so thoroughly destroyed the work ethic that the number of poor people rose enormously. In our own century, the Speenhamland disaster was chronicled in Karl Polanyi's book *THE GREAT TRANSFORMATION*, which described how the system nearly wrecked the English economy, leading to "the pauperization of the masses, who almost lost their human shape in the process."

Kevin Phillips relates how the Speenhamland story was brought to the attention of Nixon by Dr. Martin Anderson, who was then on the staff of domestic counsellor Arthur Burns. Anderson, author of the well-known revisionist work *THE FEDERAL BULLDOZER*, prepared a memo for Nixon based on Polanyi's book, as an argument against the president's not-yet-announced Family Assistance Plan (FAP). Daniel Moynihan then prepared a counter-memo, claiming that "Polanyi's thesis of the effects of the Speenhamland System has been rejected by economic historians," and citing a 1964 economic history journal. Whereupon Martin Anderson asked a professor of British history at Columbia for his opinion of Moynihan's assertion. In reply, the historian prepared a list which showed that "17 leading historians unanimously (save for the single article cited by Moynihan) agreed with Polanyi's thesis that Speenhamland subsidies brought indigence, illegitimacy, and family disintegration in their wake."

Despite the above, Nixon proceeded to announce his guaranteed-income FAP that spring (1969). This year, after three attempts to get Congress to act (and with Moynihan back at Harvard), columnist Phillips reports that Nixon has abandoned FAP, based on the Speenhamland evidence. We'll see.

SOURCE:

"Family-Aid Lesson from Speenhamland," Kevin Phillips syndicated column, 14 August 1972.

Long years from now
That same moon
Shall etch the leaves
Of the cherry tree
Against the summer sky.
That moon shall soften and shadow
All familiar shapes
Into startling, unknown ones.
Those feathery clouds
Shall drift and swirl
About the glowing orbit

And finally disappear
In lacey mist.
This soft, warm wind
Shall kiss
Another lonely face
And blow another's hair
In whispers
Around her head.
This mystery and longing
Shall stir another heart.
These desires and this aching sadness
Which now seem pecularly mine
Shall probe with clutching fingers
Into another mind.
And tears shall flow again
But I shall never know.

Betty Parsell

publisher's notes

• **REASON MAKES THE MEDIA:** The 24 September issue of the *LOS ANGELES TIMES* featured an article reprinted from *REASON*'s special issue of September 1972. The article, "Crimes—but No Victims" by Prof. Gilbert Geis, appeared in the Sunday "Opinion" section of the *TIMES.* Copies of the 48-page September issue, devoted to the subject of "Libertarian Politics and Issues," are still available at the cover price of $1.25.

• **ZEIGLER FOR CONSUMERS UNION:** Consumers Union, publisher of *CONSUMER REPORTS,* is considering nominations for three-year terms on its Board of Directors. Especially in view of the organization's recent anti-statist positions (on prescription drug price advertising, and its suits against oil and steel import quotas), it would be desirable to have a libertarian on CU's Board. John Zeigler, subject of a recent *REASON* interview, has been suggested by several people as a logical candidate. Letters in support of Zeigler's nomination should be sent to Secretary, Consumers Union, Mount Vernon, NY 10550. Deadline is 8 December.

• **NEW COLUMNIST:** This month *REASON* welcomes to its pages John J. Pierce, with his bimonthly column "Science Fiction in Perspective." Pierce, at age 31, has been a writer and science fiction fan for some 20 years. His writing began with amateur newspapers in his early school days, and continued with prep school and college newspapers. He currently works as a reporter for the Dover (NJ) *DAILY ADVANCE.*

John got turned on to science fiction at age nine, in 1950, upon seeing *DESTINATION MOON,* and his science fiction collection now numbers some 1800 paperbacks and numerous hardcover volumes. He has been active in science fiction "fandom" since 1966, defending romantic science fiction against the onslaught of the "New Wave." In this capacity, he founded and publishes *RENAISSANCE,* a quarterly "fanzine." He became interested in libertarianism "because of being too idiosyncratic to feel comfortable in any regimented or paternalistic society."

The logo for "Science Fiction in Perspective" was done for *REASON* by the noted science fiction artist George Barr.

• **NEW FEATURE :** *REASON* this month inaugurates another new regular feature—"Rudebarbs," a libertarian cartoon. Cartoonist Randall K. Hylkema, newest member of the *REASON* staff, has his bachelor's degree from Pomona College and an M.S. from U.S.C., both in mathematics. Mr. Hylkema works on the Mariner Mars project at the Jet Propulsion Laboratory.

• **A MODEST PROPOSAL (A Proposal for a Libertarian Faculty Registry):** Going to college is galling for most students, what with the bureaucracy, the red tape, the "don't fold, spindle or mutilate" mentality; it can be a hellish nightmare for the libertarian student. Consider the rubbish that passes for learning in most classrooms. In economics, students are told that Keynes was the greatest economist in the 20th century, and that central planning must be instituted universally because the free market just cannot function in this complex society. In history we are regaled with tales of the moral greatness of welfare-warfare America; we learn that the United States has never fought on the wrong side of any war. In philosophy we learn that existence cannot be proven but that it *can* be proven that morality consists of being our brothers' keepers.

The libertarian is all too often faced with a choice of speaking out against this nonsense—and failing out—or keeping quiet in the face of continuous and deathly boredom and frustration. Under this constant barrage, many of our best students have either quit school or have given up their beliefs in the efficacy of libertarianism.

It would be nice to report that we have discovered an antidote for this dilemma. This is unfortunately not the case. We will have to struggle with this problem for a long time to come. However, as the libertarian movement grows and prospers, and as libertarian ideas come to appear slightly less outlandish to the academic community, partial solutions to this problem will begin to surface. And they will surface more quickly and more completely if we give them a little push. It is in the spirit of giving things a little push, then, that we offer the following.

We propose the construction of a listing of libertarian faculty members in colleges and universities all across this fair land of ours. And we will add to it every year, as the libertarian academic movement grows.

The fruits of this program will be several. Students fortunate enough to be located at a school with one or more libertarian faculty members will be able to enroll in several courses knowing that there will not be an ideological antipathy between them and their instructor. In all too many cases, libertarian students have gone to schools for four years without even knowing that there were libertarian faculty members on the same campus. This list will not only benefit students who happen to be on the same campus as libertarian scholars, however. High school and transfer students will be able to take the list into account when they choose schools. And it is often possible to remain at school A while taking credit courses at school B. In New York City, for instance, several students have been taking credit courses from Dr. Murray N. Rothbard both from within his school (Brooklyn Polytechnic Institute) and from other schools. But attendance has been based mainly on word of mouth. It is time, it is long past time, that we formalize the procedure a bit.

The Registry will include the name, department and university of as many libertarian scholars as we can amass. It will be published twice yearly in *OUTLOOK* and *REASON,* who are cooperating in this venture, before the beginning of each school term. We earnestly invite our readers to add more information to make the Registry a living, breathing, growing thing.

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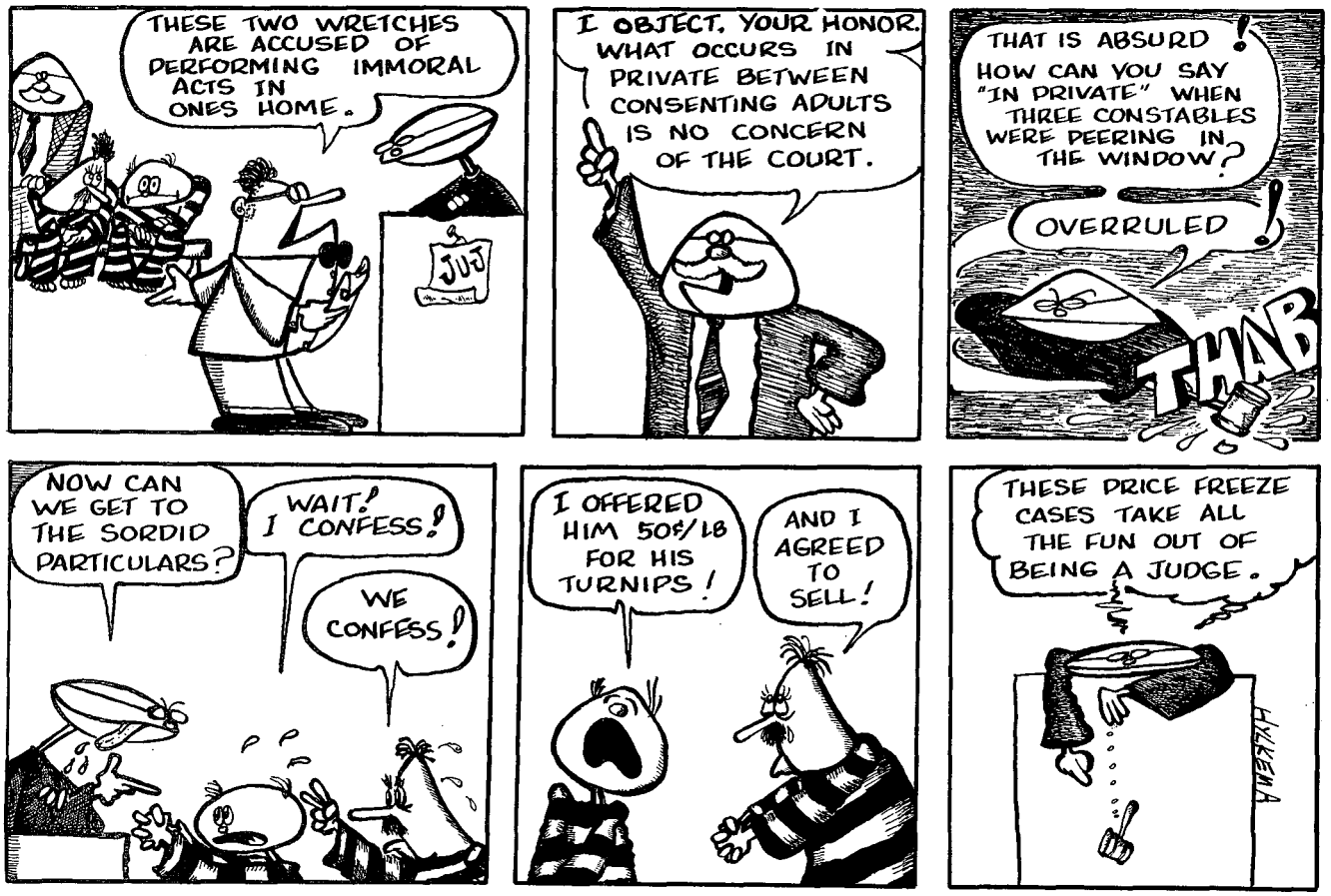
THESE TWO WRETCHES ARE ACCUSED OF PERFORMING IMMORAL ACTS IN ONES HOME.
JUJ
I OBJECT, YOUR HONOR. WHAT OCCURS IN PRIVATE BETWEEN CONSENTING ADULTS IS NO CONCERN OF THE COURT.
THAT IS ABSURD ! HOW CAN YOU SAY "IN PRIVATE" WHEN THREE CONSTABLES WERE PEERING IN THE WINDOW?
OVERRULED !
THAB
NOW CAN WE GET TO THE SORDID PARTICULARS?
WAIT! I CONFESS!
WE CONFESS!
I OFFERED HIM 50¢/LB FOR HIS TURNIPS !
AND I AGREED TO SELL!
THESE PRICE FREEZE CASES TAKE ALL THE FUN OUT OF BEING A JUDGE.
HYLKEMA

letters

ON JOHNSON AND ABORTIONS

I was dismayed to find, in the letters section of the September issue of *REASON,* an argument which betrays ignorance of basic libertarian principles: the "No on Abortion," from Thomas Johnson. Although I am not an Associate Professor of Biology (I switched to Electrical Engineering and mathematical psychology, after receiving an MS in biology from MIT), I know enough to be positive that there are no valid grounds for government action against voluntary abortion.

As an organization, a government has no valid authority except that delegated to it by individuals; no authority to punish unless such authority has been delegated to it by a particular criminal's victim. One cannot delegate to the government the authority to protect one's right X without, at minimum, desiring to preserve X. But one cannot desire *anything* without being conscious. Clearly, one cannot delegate any authority to the government before achieving consciousness. The government has no authority to act on behalf of a pre-conscious embryo.

Professor Johnson is deliberately ignoring the facts of biology when he claims that an embryo is an individual. Two separate embryos developing in the same uterus often fuse to produce a single person (mosaicism). Is Prof. Johnson ready to claim that such a person consists of two individuals? Would Johnson accuse someone marrying such a person of bigamy?

Yet even if Johnson had been more honest in presenting his argument, the argument itself would still have been beside the point. When we refer to the protection of life in the political context, we do not mean the protection of life in the biochemical sense, but of conceptual consciousness. If a criminal damaged someone's brain so that the victim could never think again, we would rightly consider that criminal guilty of murder. Even if the victim's corpse remained alive in the biological sense, in the political context it would be just a hunk of meat, good only as material for transplants.

The question of *when* a human being becomes conscious remains to be answered, but it will be answered by scientists. Until and after it is, the government should not act on abortion unless it can prove that the consciousness of an already conscious human being has been destroyed.

Adam V. Reed
Eugene, OR

ABORTION AND HUMAN BEINGS

In his letter in the September issue of *REASON,* Professor Johnson takes a stand against abortion because "a human embryo is an *actual* human being in the first stage of its life." This causes me to wonder how Professor Johnson would define what he means by "human being" or "man."

As Ayn Rand has correctly stated in *INTRODUCTION TO OBJECTIVIST EPISTEMOLOGY,* in the definition of man ("a rational animal") "animal" is the genus and "rational" is the differentia. Here "rational" means "possessing the faculty of reason." To my knowledge a human embryo does not possess the ability to reason, and hence does not fall under the definition of "man." That it has the *potential* to reason is irrelevant in the case of abortion.

The issue here is the cognitive development of the embryo, or potential human being. At some point after physical birth a human being is "born" when his cognitive development has matured to the stage when he possesses a primitive ability to reason. Where the line can be drawn between "human being" and embryo is difficult to determine; but the fact remains that an embryo is *not* a human being, and consequently abortion is not immoral.

Dennis Edwall
Newbury Park, CA

ABORTIONS (CONT.)

The letter by Prof. Thomas Johnson (Sept. 1972) opposing abortion on the grounds that a fetus, too, is human, and hence has rights, is rather far off the mark. Instead, the moral dilemma to be resolved is this: in situations where one person's survival absolutely depends upon actions by other men, may the endangered individual properly demand these services as his *right*, i.e., independent of, and perhaps in conflict with, the will of the donor? We meet this same question when, e.g., a drowning man calls for help, or when a terminally ill person is maintained only through external aid, and it happens to lie at the root of the abortion issue as well. One's attitude to abortion will be determined by one's answer to this wider question.

But the resolution of the problem readily follows from the basic principle upon which a free society, one recognizant of individual rights, is founded—namely, that any transfer of values between men must involve the voluntary consent of both sides. This principle is in no way affected by the relative importance of the value to one's own survival (though I expect this might up the price a bit!), thus the consent of the donor of values is required just as much in survival situations as in any other. And so it is with a woman: her consent is necessary in the provision of a value—nurture—to her unborn child, up until the time when she can be replaced in this function by other consenting persons. The "time" which therefore has to be determined with precision becomes—not when a fetus should be "considered human"—but simply when it is able to live independently of its mother.

Indeed, this analysis considers a fetus at all times to be human, and hence, just like any other human, not possessed of the right to sustain itself by means of values obtained involuntarily from others. The taint of "murder," of "cheapening human life", of setting "dangerous precedents" and the like; which has disturbed many thinkers about this question, is thereby removed.

Dr. William R. Havender
University of Calif, Dept. of Genetics
Berkeley, California

ABORTION'S LEGALITY

Commenting on Miss Rand's philosophical approach to abortion, Mr. Thomas Johnson's letter to the editor appears to reflect the training of a biologist.

No doubt I am also reaching into an occupational repertoire of responses by suggesting that a legal criteria be applied. In other areas of the law, such as homicide and torts, protection is afforded only to a viable fetus. This means that the fetus is substantially capable of sustaining its life independently of the Mother. I say substantially because one case has held that for purposes of the manslaughter and murder statutes, human life may exist where child birth has commenced, but has not been fully completed. (People v. Chavez 77 Cal. App. 2d 621, 624, 626, 176 P.2d 92.)

The rationale for the viable fetus requirement becomes apparent when one asks the question: Where is the fetus prior to birth? Obviously it is in and a part of the Mother's body. The more reasonable approach would be to apply this test to the legality of abortion.

Advocates of the "right to life" concept will cite cases where certain rights of the unborn have been recognized in the areas of property law and tort law failing to realize that in nearly every instance the protection was granted to a viable fetus or one which was subsequently born alive, or it was the right of the parents rather than the fetus.

Prior to the point where the fetus becomes viable, there should be no legal objection to an unmarried woman obtaining an abortion. In the case of a married woman, the husband's consent might be required in some instances.

Some may even quarrel with the husband's consent requirement for did not the Swedish author, August Strindberg, contend that we never really know the identity of the father? But the less said of this, the better.

Paul F. Hyer
Los Angeles, CA

VICTIMS WITHOUT CRIMES

The phrase "crimes without victims" is one of the premiere shibboleths of the libertarian movement. We see it occur again in Gilbert Geis' recent admirable article entitled "Crimes—But No Victims" (*REASON,* Sept. 1972). Though I am fully in sympathy with the intentions expressed by this phrase, I'd like to play the part of gadfly. The concept neatly begs the question submitted by its opponents, thereby (unfortunately) rendering it ineffective. For I think we can all agree that there are at least some victims in the so-called "crimes without victims." True enough, there are no victims in many instances. I have in mind the laws making homosexuality, pornography, and other such activities illegal.

But if a person uses heroin, we may properly say that he is the victim of his own actions. This is the truth we may grant to our opponents. The fallacy of illiberals—that what is unethical is also necessarily illegal—is what must be attacked by libertarians. What we ought to be complaining about is actually the problem of *victims without crimes* (and where there are no victims to be found the complaint is magnified). A person becomes the victim of his irrational actions, but he has the right to choose those actions. If you smoke cigarettes, you may succumb to cancer—but that is no reason to make it a crime. That is to say, one has the right of becoming one's own victim without it invoking criminal sanction.

Howard Samson
Skokie, Illinois

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PUBLICATIONS

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!!!

BECOME A reason associate

One of the original aims of *REASON* Magazine was to significantly advance the spread of libertarian ideas in our culture. Although *REASON* has become the largest-selling libertarian magazine, its readership is largely confined to those who are familiar with the libertarian world-view. *REASON* is now in a position to begin a major promotion campaign aimed at non-libertarians.

To conduct such a campaign requires large amounts of capital. Although *REASON* is on sound financial footings in terms of current operations, large promotional efforts will require outside funding. Our first thought was to offer shares of stock in Reason Enterprises to our subscribers. Indeed, many subscribers have written asking if they could invest in *REASON.*

However, Big Brother, ever mindful of the welfare of "innocent investors," has established the Securities and Exchange Commission (SEC) to police the offering of securities. Virtually any offer of stock in Reason Enterprises would be subject to SEC registration requirements. Moreover, merely to solicit loans from our readers (which we would like to do) would also constitute an offering of securities within the broad definition of the Securities Act of 1933. Our lawyer has estimated the cost of SEC registration at $35,000 . . . obviously beyond our means. So the problem remained: how to raise promotional capital from people who understand and support our aims, without running afoul of the State?

The answer, we concluded, was to set up an organization which our subscribers could join and which would provide unique, tangible benefits in return for membership contributions. Thus, we recently announced the formation of **REASON ASSOCIATES,** a new division of Reason Enterprises. Reason Associates consists of *REASON* subscribers and friends who are seriously interested in spreading libertarian ideas.

Reason Associates has three classes of membership: *Regular memberships* costing $25 per year, *Supporting memberships* $50 per year, and *Sustaining memberships* $100 (or more) per year. Memberships may be purchased at these prices either by individuals, or couples. All members will receive a *membership card* (for admission to special events and tours), a handsome *membership certificate,* and a free one-year *gift subscription* (for the person or institution of their choice, e.g., your favorite library).

In addition, Regular Members receive a free *autographed* copy of the new Reason Press paperback edition of John Hospers' *LIBERTARIANISM,* while Supporting Members receive the autographed hardcover edition. For Sustaining Members Reason Associates provides an exclusive *bound edition* of Volume III of *REASON* Magazine. As our dwindling supply of back issues permits us to produce a limited quantity of these volumes, they are available on a first-come/first-served basis.

Charter flights and social activities are the most exciting aspects of Reason Associates. A recent election night Libertarian Party party certainly demonstrated the benefits of gathering for social purposes. The editors have been working with Small World Travel Agency of Los Angeles to secure the most up to date information on the rapidly changing charter flight opportunities. Members of an organization, such as Reason Associates, for at least 6 months are eligible for best rates (save up to 50% on air fare plus numerous ground arrangements at no cost or highly reduced price). Early participation necessary to receive these advantageous rates as CAB requires participant list 90 days prior to departure. Many possibilities are being considered, including 7-day trips within the North American continent and perhaps Mexico . . . 10-day trips outside North America—perhaps a visit to European Libertarians . . . combination conference and vacation in Southern California during February . . . Rent-A-Yacht getaway for evening or weekend . . . regionally arranged weekend getaways.

In addition to charter flights and social activities, Reason Associates also will offer to members books and pamphlets selected by the editors of *REASON* for their usefulness in expanding libertarianism.

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